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TITLE 3—THE PRESIDENT

PROCLAMATION 3037

COPYRIGHT—JAPAN

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS section 9 of title 17 of the United States Code, entitled "Copyrights", as codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652, 655, provides in part that the copyright secured by the said title shall extend to the work of an author or proprietor who is a citizen of a foreign state or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

; and

WHEREAS section 1 of the said title 17 provides in part as follows:

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

(e) To perform the copyrighted work publicly for profit if it be a musical composition * * * *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

; and

WHEREAS section 9 of the said title 17 further provides:

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require * * *

; and

WHEREAS Article 22 (6) of the copyright law of Japan accords rights similar to those extended by section 1 (e) of title 17 of the United States Code; and

WHEREAS Article 12 of the Treaty of Peace with Japan, signed at San Francisco September 8, 1951, provides that Japan will, during a period of four years from the first coming into force of the Treaty, accord to an Allied Power national treatment as regards copyright protection to the extent that national treatment is accorded to it by the Allied Power concerned; and

WHEREAS the United States and Japan have each, in fact, since April 28, 1952, the date of the coming into force of the said Treaty of Peace, accorded to the nationals of the other, copyright protection on substantially the same basis as to its own citizens:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do declare and proclaim:

That since April 28, 1952, the conditions specified in section 9 (b) and 1 (e) of title 17 of the United States Code have existed and have been fulfilled with respect to the nationals of Japan, and that nationals of Japan have since that date been entitled, and will continue to be entitled for a period of four years from the first coming into force of the Treaty of Peace, to all the benefits of the said title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States.

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(For use during 1953)

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General Index (\$1.00)

Previously announced: Title 3 (\$1.75); Titles 4-5 (\$0.55); Title 6 (\$1.50); Title 7: Parts 1-209 (\$1.75), Parts 210-899 (\$2.25), Part 900-end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 14: Parts 1-399 (Revised Book) (\$6.00), Part 400-end (Revised Book) (\$3.75); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22-23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80-169 (\$0.40), Parts 170-182 (\$0.65), Parts 183-299 (\$1.75); Title 26: Part 300-end, Title 27 (\$0.60); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Title 32: Parts 1-699 (\$0.75), Part 700-end (\$0.75); Title 33 (\$0.70); Titles 35-37 (\$0.55); Title 38 (\$1.50); Title 39 (\$1.00); Titles 40-42 (\$0.45); Title 43 (\$1.50); Titles 44-45 (\$0.60); Title 46: Parts 1-145 (Revised Book) (\$5.00), Part 146-end (\$2.00); Titles 47-48 (\$2.00); Title 49: Parts 1-70 (\$0.50), Parts 71-90 (\$0.45), Parts 91-164 (\$0.40), Part 165-end (\$0.55); Title 50 (\$0.45)

Order from
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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-9709; Filed, Nov. 13, 1953; 2:51 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added to § 6.311 as set out below.

§ 6.311 *Department of Agriculture—(a) Office of the Secretary.* * * *

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-9671; Filed, Nov. 16, 1953; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 604]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS MODIFYING REQUIREMENTS FOR MOVEMENT OF COTTONSEED AND COTTONSEED PRODUCTS FROM LIGHTLY INFESTED AREAS

Pursuant to the authority conferred by the second proviso of Pink Bollworm Quarantine No. 52 (7 CFR Supp. 301.52; 18 F. R. 6348), issued under sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act of March 3, 1905 (7 U. S. C. 143), the Chief of the Bureau of Entomology and Plant Quarantine hereby issues admin-

istrative instructions to appear in § 301.52a in Title 7, Code of Federal Regulations (7 CFR Supp. 301.52a) as follows:

§ 301.52a *Administrative instructions modifying requirements for movement of cottonseed and cottonseed products from lightly infested areas.* (a) Under § 301.52-6 (c) (1) cottonseed produced in any county in any lightly infested area in which the gins are not required to treat cottonseed as a part of the continuous process of ginning may be moved under limited permit to approved oil mills or other approved treating plants either in contiguous lightly infested areas or in nonregulated areas contiguous to the lightly infested area for heat treatment at 150° F. for 30 seconds or for approved fumigation upon arrival at such plants. Such treated seed is then eligible for certification and movement under certificate to any regulated areas or to nonregulated areas.

(b) The Chief of the Bureau of Entomology and Plant Quarantine hereby finds that facts exist as to the pest risk involved in the movement of cottonseed and cottonseed products to which § 301.52-6 applies, making it safe to modify by making less stringent the requirements of § 301.52-6. Hereafter, in addition to movement authorized under § 301.52-6 (c) (1), cottonseed produced in a lightly infested area in which the gins are not required to treat cottonseed as a part of the continuous process of ginning may be moved under limited permit to an approved oil mill or other approved treating plant in any of the lightly infested counties hereinafter listed, for storage and subsequent approved heat treatment, approved fumigation, or processing into lint, oil, cottonseed hulls, cottonseed meal, cottonseed cake, or other products, at such approved mill or plant: Counties of Curry, De Baca, Lea, Quay, and Roosevelt, in New Mexico; all of the counties in the regulated areas of Oklahoma; and the Counties of Bailey, Borden, Briscoe, Castro, Childress, Cochran, Collings-

worth, Cottle, Crosby, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hardeman, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Parmer, Scurry, Stonewall, Swisher, Terry, Wheeler, and Yoakum, in Texas. As a condition of such limited permits all motes and ungnined grabbots produced from such untreated cottonseed shall be either fumigated, given other approved treatment, or destroyed by burning. Such cottonseed and products thereof which are subject to § 301.52¹ may be moved from such lightly infested counties under certificates as follows:

(1) Such cottonseed that has been given approved heat treatment or approved fumigation, such lint and cottonseed hulls that have been given approved treatment, and such cottonseed meal and cake, which have been segregated from untreated cottonseed and cottonseed products and kept free from any other source of contamination, may be certified and moved to any destination.

(2) All lint and products from the untreated cottonseed may be certified and moved for processing to any destination within the regulated areas of New Mexico, Oklahoma, or Texas, or to any noncotton producing state, or to approved cellulose plants at any location.

(3) All cottonseed hulls produced from the untreated cottonseed may be certified and moved for consumption or utilization to any destination within the regulated areas of New Mexico, Oklahoma, or Texas, or to any noncotton producing state.

The approved treatment provided for in this paragraph shall be the heat treatment prescribed in paragraph (a) of this section or any alternate treatment that is administratively authorized under § 301.52-12.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162)

¹ Section 301.52 does not apply to cottonseed oil.

The purpose of these instructions is to make less stringent the requirements for movement of certain cottonseed and cottonseed products from the lightly infested areas described in the Pink Bollworm Quarantine, since it has been determined that the pest risk involved in such movement does not require the continuation of the present requirements. In order to be of maximum benefit to producers and shippers of cottonseed in the areas involved, the instructions should be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure concerning these instructions are impracticable and unnecessary and since the instructions relieve restrictions they may be made effective less than 30 days after publication hereof in the **FEDERAL REGISTER**.

These instructions shall become effective November 17, 1953.

Done at Washington, D. C., this 2d day of November 1953.

[SEAL] W. L. POPHAM,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 53-9679; Filed, Nov. 16, 1953; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 12]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CLEANING AND DISINFECTING FACILITIES USED IN CONNECTION WITH INTERSTATE MOVEMENT OF SWINE

Pursuant to the authority conferred upon the Secretary of Agriculture by sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), paragraph (c) of § 76.35 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema and governing the cleaning and disinfecting of vehicles and other facilities used in connection with such interstate movement (9 CFR Supp., Part 76, Subpart B; 18 F. R. 3636, 3829, as amended) is hereby amended to read as follows:

§ 76.35 *Cleaning and disinfecting vehicles and facilities.* * * *

(c) Except as provided by the Chief of Bureau, facilities which are used for feeding, watering, and resting swine moved interstate shall be thoroughly cleaned and disinfected as prescribed in paragraph (g) of this section immediately after each such use.

The amendment is in the nature of a relief of restrictions in that it authorizes the Chief of the Bureau of Animal Industry to modify by making less stringent the requirements of said paragraph (c) of § 76.35 when conditions so justify. Certain modifications are needed now because of emergency conditions in some areas caused by severe winter weather. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the **FEDERAL REGISTER**.

The foregoing amendment shall become effective upon issuance.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies sec. 1, 32 Stat. 791, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 120, 125)

Done at Washington, D. C., this 12th day of November 1953.

[SEAL] TRUE D. MORSE,
Under Secretary of Agriculture.

[F. R. Doc. 53-9656; Filed, Nov. 16, 1953; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-191]

PART 223—TARIFFS OF AIR CARRIERS; FREE AND REDUCED RATE TRANSPORTATION

ISSUANCE OF PASSES; LISTS OF AUTHORIZED ISSUING OFFICIALS AND AFFILIATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of November 1953.

Part 223 of the Board's Economic Regulations governs the practices of air carriers in issuing passes for free or reduced rate transportation to their directors, officers and employees and their immediate families. Believing that certain of the requirements of these regulations might be simplified and made less burdensome, the Board in its Draft Release No. 65 circulated to the public for comment a proposed revision of these regulations. It is the purpose of this regulation to bring about simplification of these requirements, as more fully explained in the Explanatory Statement published with the above-mentioned Draft Release.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 223 of the Economic Regulations (14 CFR Part 223) effective December 17, 1953:

1. By amending § 223.4 to read as follows:

§ 223.4 *Form of pass.* No carrier shall issued any form of pass other than an

"annual", "term", or "trip" pass. Every pass shall be issued upon the express condition that it is subject to suspension or cancellation for the abuse of the privileges accorded thereunder, and must show on its face, at least, the name of the person or persons who, or whose property, is entitled to receive free or reduced-rate transportation. Each pass must bear either the signature in ink of an official whose title is contained in the list referred to in § 223.6 (a), or the facsimile signature of such an official and the countersignature and title in ink of some other official or responsible subordinate whose title is contained in the list referred to in § 223.6 (b), who is authorized by said official to countersign passes on his behalf, and before it is presented for transportation such pass must bear the signature in ink of the person to whom issued: *Provided*, That regular tickets or bills of lading, stamped with a suitable notation, may be used as trip passes, and when so used need not conform to the provisions of this section as to form.

2. By amending § 223.6 to read as follows:

§ 223.6 *Carrier's rules.* Each carrier shall file with the Board three copies of all instructions to its employees, and of all company rules and regulations, governing its practices in connection with the issuance and interchange of passes. If no instructions, rules, or regulations are in effect, then three copies of a general statement by an appropriate official of the carrier, comprehensively describing its practices in connection with the issuance and interchange of passes must be filed. Each carrier's rules and regulations or statement referred to in this section shall include lists showing (a) the titles of its officials upon whose authorizations passes may be issued, (b) the titles of other officials or responsible subordinates who are authorized by said officials to countersign passes on their behalf and the extent of the authority granted them, and (c) the titles of persons who are authorized to request passes from other carriers. Three copies of any change in any such instructions, rules, regulations, or statement of practices must be filed with the Board within 30 days after the effective date of such change.

3. By amending § 223.7 to read as follows:

§ 223.7 *Filing of list of affiliates.* Before issuing any pass to directors, officers, employees, or members of their immediate families, of any of its affiliates, each carrier shall file with the Board a list containing all of such carrier's affiliates and showing the exact relationship of each such affiliate to such carrier as respects control and principal business. Any change in such list must be filed with the Board within 15 days after such change is effective: *Provided*, That an affiliate not previously included in any list filed with the Board must be included in a new list prior to the issuance of any pass to any person authorized to receive such pass by reason of such affiliation.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 403, 52 Stat. 992; 49 U. S. C. 483)

By the Civil Aeronautics Board,

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-9673; Filed, Nov. 16, 1953;
8:51 a. m.]

[Reg. ER-192]

PART 242—FILING OF REPORTS BY IRREGULAR AIR CARRIERS AND NONCERTIFICATED CARGO CARRIERS

ELIMINATION OF REPORTING REQUIREMENTS FOR AIR TAXI OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of November 1953.

At the present time Part 242 of the Economic Regulations requires air taxi operators who own or have the right to operate for compensation or hire one or more aircraft having more than five passenger seats to file an annual statistical report. While the report is not onerous to prepare, the requirement is extremely difficult to enforce, since the Board does not have available to it the names of all air taxi operators who have the use of aircraft of more than five passenger seats. Ownership of such aircraft may change rapidly, and with such change the requirement to file statistical reports may become applicable or cease to apply. Moreover, the information supplied through these reports is not adequate to support general economic conclusions as to the air taxi operations industry as a whole. In light of the foregoing, and the fact that the elimination of the requirement would reduce the economic and administrative burden on the carriers of preparing the reports, as well as eliminate the administrative burden on the government for reviewing them, it would be in the public interest to abolish the requirement unless its retention serves a sound purpose.

At the time Part 293 was adopted the basic purpose of continuing the requirement for the filing of statistical reports was to obtain a means whereby a check could be made of the potential competitive aspects of air taxi operations with equipment of five passenger seats and over. To date there have been no complaints against the operations conducted by air taxi operators as such. In the future, if any certificated carrier suffers economic harm by reason of the operations of air taxis, the complaint can be readily referred to the Board, and any required action taken as expeditiously as would be the case if the information had been received through the annual report. As a result, the Board finds that it is no longer in the public interest to require the statistical reports from any air taxi operator. Accordingly, this amendment to Part 242 is being adopted to eliminate such reporting requirements. Apart from the foregoing, this amendment makes no substantive changes in the present Part 242.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matters submitted and arguments presented. Since the effect of this amendment is to relieve air taxi operators from an existing restriction, it may be made effective immediately.

In consideration of the foregoing, the Board hereby amends Part 242 of the Economic Regulations, effective November 12, 1953, as follows:

1. By amending the title of the part to read as set forth above.
2. By amending § 242.2 to read as follows:

§ 242.2 *Statistical and flight reports required.* Each large irregular carrier, irregular transport carrier, and noncertificated cargo carrier shall file statistical reports in accordance with § 242.4. Flight reports shall be filed with the Board by each large irregular carrier or irregular transport carrier in accordance with § 242.4 and by each noncertificated cargo carrier in accordance with § 242.6. Each such large irregular carrier, irregular transport carrier, and noncertificated cargo carrier shall keep all accounts, records, and memoranda (including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this part. Such accounts, records, and memoranda as relate to statistical reports shall be preserved for three years, and such as relate to flight reports shall be preserved for one year. The reports to be filed by such carriers shall be prepared in accordance with the following provisions and shall be certified to be correct by the responsible officers of the reporting carriers.

3. By striking § 242.3.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-9674; Filed, Nov. 16, 1953;
8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Bureau of Foreign Commerce
[6th Gen. Rev. of Export Regs., Amdt. 71-1]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.18 *Return of certain commodities imported into the United States GLR* is amended in the following particulars:

a. The introductory paragraph is amended to read as follows:

A general license designated GLR is hereby established authorizing exportations described in this section. When exportations are made under this general license, the entry number and the port of entry covering the importation of the goods into the United States must be shown on the shipper's export declaration.

b. Paragraph (c) *Containers returned empty* is amended to read as follows:

(c) *Containers.* Exportation may be made of metal drums, gas cylinders, bags and other containers (whether manufactured in the United States or a foreign country) which are imported into the United States for the purpose of transporting contained commodities to or from the United States to any destination other than Hong Kong, Macao, or Subgroup A countries, whether such container is exported (1) empty, or (2) filled with any commodity which may be exported under a general license or (3) filled with any commodity for which a validated license has been issued by the Department of Commerce.

This part of the amendment shall become effective as of December 5, 1953.

2. Section 371.23 *General License GHK* is amended to read as follows:

§ 371.23 *General License GHK.* A general license, GHK, is hereby established authorizing the exportation to Hong Kong of commodities listed below:

Schedule B No.	Commodity
001000-001990	Animals, edible.
	Meat and meat products:
002000-002100	Beef and veal, except canned.
002700	Pork, except canned, fresh or frozen.
003400	Lamb and mutton, except canned.
003500	Sausage, prepared sausage meats, bolognas, and frankfurters, except canned.
003901	Chicken, canned.
003905	Canned baby food, meat, or chief value meat, strained or chopped.
004010	Chickens, capons, fresh or frozen.
004050	Other poultry and game, fresh or frozen.
004500	Other meats, except canned (including edible animal organs).
004600-004800	Sausage casings, natural; bladders, bungs, middles, rounds or weasands.
004998	Sausage casings, artificial.
	Dairy products:
006000	Milk and cream, fresh.
006550	Butter.
006850	Infants' and dietetic foods, chiefly milk base.
006901	Malted milk, compounds and mixtures (powder or paste only).
006903	Ice cream powder, mix and preparations (powder or paste only).

¹ This amendment was published in Current Export Bulletin No. 718, dated November 5, 1953, and in the reprint pages, dated November 5, 1953.

Schedule B No.	Commodity	Commodity	Schedule B No.
007000-007009	Fish and fish products:	Sugar and related products:	163100
007000-008005	Fish and shellfish, fresh or frozen, however packed.	Sirup for table use, and edible molasses.	163200
008101	Fish and shellfish, salted, pickled, or dry-cured, except canned.	Honey.	163300
	Fish, smoked, or kippered, except canned.	Candy.	163400-163500
	Fish, canned in airtight containers, nonperishable:	Chewing gum.	163510
	Sardines (including pilchard).	Confections and desserts.	163600-163700
008450-008504	Herring.	Beverages.	170100-178000
008603	Mackerel (including Jack mackerel).	Rubber (natural, allied gums, and synthetics) and manufactures:	
008635	Other (including cakes, balls, hash, paste, caviar and roe).	Rubber toys, balls, and novelty balloons, except dolls, golf and tennis balls.	204610
008650	Shellfish, canned in airtight containers, nonperishable.	Rubber tiling and flooring.	209410
008700-008898	Fish, shellfish, and other marine animal products, prepared or preserved, n. e. c.	Drugs, herbs, leaves, and roots, crude:	
008960	Other edible animal products.	Cascara bark.	220100
009200-009600	Leather:	Ginseng.	220500
031210-031950	Parent upper leather.	Crude drugs, herbs, leaves and roots, n. e. c.	220783
035700	Reptilian and aquatic leather, for all purposes.	Vegetable oils, fats, and waxes, crude:	
064710-064795	Leather manufactures:	Peppermint oil, spearmint and other mint oils, n. e. c.	226900
074500	Boots, shoes, and other footwear with leather uppers, new:	Citrus oils.	227100-227150
068800-068900	Women's and children's handbags, pocket books, and purses (except change purses), all materials.	Seeds, except oilseeds, grass and field seeds.	246700-247500
069200-069300	Cardcases, change purses, wallets, and similar articles, all materials.	Nursery and floral stock.	259903-259998
071300-073900	Furs and manufactures.	Cotton manufactures:	
094205-094298	Other inedible animals and animal products:	Crocheted cloth, bleached, dyed, printed, stiffened, or otherwise converted, and colored yarn fabrics:	301600
	Glue of animal origin.	Carded goods, except fine carded:	
	Grains and preparations:	Drills, twills, satens and sheeting.	304000-304710
	Barley malt.	Print cloth yarn fabrics:	
101300	Buckwheat.	Carded broadcloth.	304800-304920
102100	Corn cereal foods, ready to eat.	Print cloth yarn fabrics, construction count above 36 x 32.	305110-305220
103700	Oatmeal, groats, and rolled oats in packages.	Napped fabrics:	305510-305590
104400	Machinery products.	Colored yarn fabrics:	
107810	Prepared flour mixes.	Chambrays, chevrons, and shirtings.	306100
107900	Wheat cereal foods, ready to eat.	Fine goods and cotton fabrics, bleached, dyed, printed, flockdot, or clipped:	
108000	Breakfast cereal foods, n. e. c.	Fine carded, combed and partially combed goods:	
109500	Grains and preparations, n. e. c.	Vests, gaudies, hanks, and batistes.	
109900	Fodders and feeds, n. e. c.	Piques, marisettes; broadcloth; pongee; and oxford.	
	Hay.	Cotton and rayon mixtures, n. e. c.	
110100	Other prepared and mixed foods.	Cotton fabrics, n. e. c.	
118500	Feeds, n. e. c.	Cotton rayon mixtures, n. e. c.	
119900	Vegetables and preparations, edible:	Cotton fabrics, in the piece.	
	Vegetables, fresh, frozen and dehydrated.	Table damask, in the piece.	
	Vegetables, canned:	Tapestry, and other upholstery and drapery materials, plain, jacquard, and dobby-woven.	
	Asparagus.	Flashes and pile fabrics.	
120710-120900	Corn.	Cotton wearing apparel:	
124100	Peas.	Handkerchiefs.	
124300	Soups, n. e. c.	Gloves and mitts, except fabric work gloves and mitts.	
124400	Tomato paste and purée (mulp).	Knit goods.	
124510	Tomato juice.	Garments of woven fabrics:	
124700	Beans, string or stringless.	Nightwear and underwear, men's and boys'.	
124800	Spinach.	Shirts, men's and boys', except work shirts.	
124910	Baby food vegetables, strained or chopped.	Clothing of cotton woven fabrics, men's and boys', n. e. c.	
124950	Vegetables and juices, canned, n. e. c.	Women's and children's apparel of woven fabrics, n. e. c.	
124970	Pickles, cucumbers.	Laces, embroideries, and articles thereof, n. e. c.	
124990	Sauce and relishes.	Cotton narrow fabrics, nonelastic, not over 12 inches wide, except woven belts and belting.	
125000	Vegetable seasonings.	Industrial.	
125020	Vegetable preparations, n. e. c.	Cotton house furnishings.	
125998	Fruits and preparations:	Vegetable fibers and manufactures:	
	Fruits, fresh and frozen.	Hemp.	320505
	Fruits, dried and evaporated:	Unmanufactured vegetable fibers, n. e. c.	320598
	Pears.	Handkerchiefs, linen.	339635
	Apples.	Silk and manufactures:	
	Apricots.	Raw silk.	370200
	Peaches.	Sewing, embroidery, and crocheted silk.	371900
	Figs.	Wearing apparel, including hosiery.	373100-375100
	Fruits, dried and evaporated, n. e. c.	Silk manufactures, n. e. c.	379900
	Olives, green and ripe.	Man-made (synthetic) fibers and manufactures:	
	Fruits, canned.	Broad woven goods:	
	Preserves, jellies, jams, and fruit butters.	Pile fabrics.	
	Fruit juices, except pineapple, canned and frozen.	Upholstery and drapery fabrics, wider than 42 inches, woven, except pile.	
	Fruit preparations, n. e. c.	Woven filament yarn fabrics, wholly of rayon or acetate, n. e. c., gray (unfinished) and printed.	
	Nuts and preparations.	Woven spun yarn fabrics, wholly of rayon or acetate, n. e. c.	
	Cocoa, coffee, tea, and substitutes.	Broad woven fabrics of mixed or blended fibers, chiefly rayon or acetate, n. e. c.	
	Spices:	Knit fabric in the piece.	
	Capsicum; cinnamon; cassia; cloves; and nutmegs (ground or unground).	Ribbons, woven with fast selvages.	
	Vanilla beans (ground or unground).	Wearing apparel.	
	Spices, n. e. c., except pepper.	House furnishings.	
130100-132000			
132200			
132500			
132600			
132700			
133005			
133098			
133100			
133150			
133200-134790			
134900			
135045-135089			
135098			
137400-137995			
150100-151350			
154901-154906			
154915			
154995			

Schedule B No.	Commodity	Schedule B No.	Commodity
390100	Miscellaneous textile products:	611900	Metal manufactures—Continued
390300	Linoileum.		Hollow ware, solid or plated, and specially fabricated parts, n. e. c.:
391100	Felt-base floor coverings, except linoileum.	612010-612355	Metals, except precious.
391300	Oilcloth for shelf, table, and wall.	612358	Cooking, kitchen, and hospital utensils, and specially fabricated parts, n. e. c.
391410-391420	Window-shade cloth (all types).	612358	Kitchen appliances and tools, hand operated and specially fabricated parts, n. e. c.
391430	Book cloth.	612380	Vitreous enameled products, n. e. c., and specially fabricated parts, n. e. c.
392100	Corsets, brassieres, and girdles, except rubber and rubberized.	612370	Tinware and other sheet metal ware, n. e. c. (including galvanized) and specially fabricated parts, n. e. c.
392800	Neckties, scarves, mufflers, and scarves (all fibers).		Furniture and fixtures of all metals:
394000-394100	Hat brims, hats, and hat bodies of natural fibers or synthetic textiles.	613010	Metal cases, cabinets, counters, and other fixtures, n. e. c., and specially fabricated parts, n. e. c.
395200	Women's and girls' fur-felt hats, caps and hat bodies.	613110-613250	Vertical record filing cabinets with exposed drawers or trays.
395900	Hats, caps and berets, n. e. c. (except rubber and rubberized and military type).	613270	Visible record filing cabinets.
396300	Artificial or ornamental flowers, fruits, vegetables, grasses, grains, leaves, stems, or parts thereof (all materials).	613310	Safes, insulated, with or without interior equipment.
397000	Matresses, cotton, kapok, moss, and hair.	613410	Vault doors, vault interior equipment, and specially fabricated parts, n. e. c.
398800-399400	Elastic webbing, woven, knit or braided.	613510-613530	Office desks, tables, and chairs.
399400	Garters, arm bands, suspenders, and braces of all materials.	613610-613650	Metal household furniture, and specially fabricated parts, n. e. c.
403500	Wood, unmanufactured:		Hardware:
	Rattan, reed, cane, bamboo, and osier (raw or semimanufactured).	617910-618110	Locks (all metals)
	Wood manufactures:	618150	Hinges and butts (all metals)
421601-421609	Timbers.	618150	Hardware, n. e. c., metals other than iron, steel, or copperbase alloys.
421740	Shingles.	618851-618859	Plumbing fixtures and fittings, n. e. c.
422550-422900	Mouldings.	618859-618885	Sash, sections, and frames, door and window.
424300-424600	Furniture and specially fabricated parts, n. e. c., chief value rattan, reed, cane, willow, grass, fiber, wood, or upholstery and wood.	618885-618903	Venetian blinds (including slats and strip), and specially fabricated parts, n. e. c.
427000	Shoe lasts.	618901-618903	Decorative signs, except electric.
428500-428900	Handles (including pulls, knobs, helms, hafts, grips, and backs).	618901-618903	Silver-plated manufactures, n. e. c.
429150	Fence slats.	618901-618903	Electric machinery and apparatus:
429600	Used or salvaged building and construction materials of wood, except fuel wood.	707395	Electric commercial cooking and food service equipment, n. e. c., and specially fabricated parts, n. e. c.
429850	Woodware (kitchen and household).		Other:
430000-430900	Cork and manufactures:	760020	Baking machines, and parts:
	Paper, related products and manufactures:	761100	Baking machines, n. e. c., and specially fabricated parts, n. e. c.
	Fine paper:	761310-761320	Sugar-mill machinery, n. e. c., and specially fabricated parts, n. e. c.
	Writing paper.	761510	Bottling, bottle-washing, and bottle-labeling machines, and specially fabricated parts, n. e. c.
480900	Converted paper and board products:		Meat and other food cutting, chopping and slicing, power-driven machines, n. e. c., and specially fabricated parts, n. e. c.
481300	Specialty bags.	762000	Cigarette and cigar-making, and tobacco processing machines, n. e. c., and specially fabricated parts, n. e. c.
487150	Facial tissues and handkerchiefs.	762700-762810	Paper-converting machines, and specially fabricated parts, n. e. c.
488000	Table napkins.	773810-773850	Commercial laundry and dry cleaning equipment (including power-driven machines) and parts.
488100	Toilet tissue, except stock.	774340	Household scales.
488200	Wallpaper, printed.		Other vehicles and parts:
489400	Stone, hydraulic cement, and lime:	797100-797130	Bicycles, and specially fabricated parts and accessories, n. e. c.
510100	Marble and other building and monumental stone, rough or dressed.	797130	Farm wagons, drays, and trailers.
512700	Manufactures of stone, n. e. c., except crushed stone.	799696	Vehicles, n. e. c., and specially fabricated parts, n. e. c., except logging wagons, motor scooters, sno-cats, and sno-cat trailers.
517000	Concrete and cement manufactures.		Coal-tar products:
	Sheet and window glass, except colored and laminated.	805909	Coal-tar dyes and stains, n. e. c. the following only, in small packages of 2 ounces or less: dye tablets; ester egg colors, except of vegetable origin; food coloring, except of vegetable origin; hair tints and dyes; and household tints and dyes.
521510	Colored glass, except colored.		Medicinal and pharmaceutical preparations:
521800	Flat glass and products, n. e. c.	814800	Mouth washes, gargles, and personal antiseptics.
522010	Glass bricks and blocks.		Chemical specialties:
523098	Unfilled beverage bottles (new or used).	823000	Baking powder.
523150	Table and kitchen glassware.	827400	Cementing preparations for repairing, sealing, and adhesive use, the following only: automobile top sealer; floor cement; linoleum cement, except rubber; linoleum paste, except rubber; roofing cement; and running board cement.
523400	Lamp chimneys and lantern globes.		Specialty cleaning and washing compounds, the following only, in containers of one pound or less: auto body cleaner; cleaning powders; drainpipe cleaners; drainpipe solvents; rust removers; laundry; sweeping compounds; venetian blind cleaner; wall cleaners; and wallpaper cleaners.
526100	Globes and shades for lighting fixtures.	828950	Polishes:
	Clays and products:		Stove polishes.
	Clays, except fire clay.		Shoe polishes and shoe cleaners.
530607-530612	Pottery:	829000	Automobile polishes.
	Table and kitchen articles and utensils for use in cooking, preparing, serving and storing food and drink.	829100	Aromatic compounds containing natural and/or synthetic essential oils and/or aromatic chemicals of natural and synthetic origin for perfumery use.
532010-532050	Sanitary articles.	829400	Flavors and flavoring extracts, natural and synthetic.
533210-533400	Other pottery.	829540	Chemical specialty compounds, n. e. c., the following only: brewers' findings; brewers' sugar; chemical compounds, for manufacturing ice cream; chili proofing compound; clarifier for beer or ale; clarifying powder, for wines; hot finishing powder; ink eradicators; laundry soap; lipstick bases; lipstick waxes; marble polish; meat curing compound; rosin size; shaving cream base, concentrated; silk-stocking savers, in tablet form; and yeast food (dough conditioner).
533800	Structural clay products (except pottery and refractories).	829555-829595	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.):
536900-537600	Other nonmetallic minerals:	829600	Cream of tartar (synthetic included).
	Asphalt tile.	831110	Sodium bicarbonate or baking soda.
546000	Asphalt and bitumen, natural, manufactures, n. e. c.		Pigments, paints and varnishes:
547100	Gypsum and manufactures.	843110	Artists' colors.
548550-548700	Rock wool, glass wool and other semirigid and "fill" mineral insulating materials, n. e. c.	843210-843250	Water thinned paints (all types).
549010	Salt, crude and refined.	843500	Ready-thinned paints, stains and enamels, the following only: concrete floor paint; tire paint; touch-up paint; wall primer, except cellulose, lacquers and biturine enamel; wood filler, liquid; and wood stain, liquid.
560303	Gravel.		
560605-560637	Stone, crushed, ground, or broken.		
	Metal manufactures:		
	Cutlery (except table flatware) and parts:		
	Razors, safety, except electric.		
	Safety-razor blades.		
	Scissors, shears, clippers and snips, n. e. c.		
	Butchers' and kitchen knives, forks, cleavers, and steels.		
	Cutlery (except table flatware) n. e. c., and specially fabricated parts, n. e. c.		
	Table flatware and specially fabricated parts, n. e. c.		
	Silver-plated.		
	Metals, except precious.		
611920			
611930-611950			

6. Section 373.71 Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities is amended by the addition of the following submission dates for the First Quarter, 1954:

Dept. of Commerce Schedule B No.	Commodity	Submission dates—First quarter 1954
619159	Selenium powder	Nov. 30-Dec. 14, 1953.
664988	Selenium metal	Nov. 30-Dec. 14, 1953.
839750	Selenium salts of organic compounds	Nov. 30-Dec. 14, 1953.
839900	Selenium salts and compounds, including selenium dioxide	Dec. 16-Dec. 31, 1953.
842900	Selenium-containing pigments	Dec. 16-Dec. 31, 1953.

This part of the amendment shall become effective as of November 5, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 53-9600; Filed, Nov. 16, 1953; 8:45 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 62¹]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 Appendix A—Positive List of Commodities is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
774498	Parts, n. e. c., specially fabricated for pipe valves included on the Positive List under Schedule B Nos. 774450 through 774490 (state Schedule B number of valve for which parts are intended, valve size, type, working pressure, and whether parts are for a valve having pressure parts wholly made of or wholly lined with corrosion-resistant materials as defined in the "General Notes to Appendix A"). ¹	-----	GIEQ 5	50	RO

¹ These commodities are subject to IC/DV requirements (see § 373.2), effective Dec. 21, 1953.

This part of the amendment shall become effective as of 12:01 a. m., November 12, 1953.

¹ This amendment was published in Current Export Bulletin No. 718, dated November 5, 1953.

Schedule B No.	Commodity
871100	Soap and toilet preparations:
871150-871250	Soap:
871610-872300	Toilet, in bars
873500	Shaving creams, cakes, powders, and sticks.
874000-877000	Other soap, except laundry and household soap in bars.
921100-921200	Dental creams (including tooth paste).
923000	Dental preparations, n. e. c., except oral sodium perborate powder.
924000	Toilet preparations.
924700-929700	Musical instruments, parts, and accessories:
930310-930600	Pianos
930800-931100	Other musical instruments, and specially fabricated parts and accessories, n. e. c., except electric and electronic organs, and phonographs and parts.
931650	Miscellaneous office supplies:
931800	Pencils (including mechanical), pencil leads, and crayons.
932100-932900	Ball type pens and fountain pens.
940000-941600	Ball pen refill ink cartridges
951000-952300	Carbon steel pen points, plain or plated.
952300-952600	Desk pen sets.
952600-952900	Ink.
953300-953600	Office supplies, n. e. c., and specially fabricated parts, n. e. c.
953600	Toys, athletic and sporting goods.
953700	Books, maps, pictures and other printed matter, n. e. c., except photographs, blueprints and technical data.
953800	Miscellaneous commodities, n. e. c.:
953900	1-day alarm clocks.
954000	Watches, without jewels, complete
954100	Watch movements, without jewels.
954200	Paintings, etchings, engravings, statuary (except religious) and antiques.
954300	Jewelry and other personal ornaments, all materials, except solid gold, platinum, and platinum allied metals.
954400	Buttons and parts.
954500	Matches.
954600	Plastic kitchen and tableware.
954700	Synthetic sponges.
954800	Natural sponges, animal.
954900	Brushes.
955000	Combs, except wholly of rubber.
955100	Smokers' articles, n. e. c., and specially fabricated parts, n. e. c.
955200	Umbrellas and parasols, and specially fabricated parts, n. e. c.
955300	Candles, except pyrotechnic.
955400	Religious articles, n. e. c. and specially fabricated parts, n. e. c.
955500	Beads and bead articles, n. e. c.
955600	Snap fasteners.
955700	Zippers (including slide fasteners), and specially fabricated parts, n. e. c.
955800	Notions, novelties, specialties, and specially fabricated parts, n. e. c.
955900	Soda fountain and bar equipment, and specially fabricated parts, n. e. c.
956000	Barber and beauty shop equipment, n. e. c., and specially fabricated parts, n. e. c.
956100	Shoe findings, n. e. c.
956200	Coin-operated machines, n. e. c.

This part of the amendment shall become effective as of November 5, 1953.

3. Section 373.13 Applicability of multiple commodity group provisions to Commodity Group O commodities is deleted.

This part of the amendment shall become effective as of October 30, 1953.

4. Section 373.14 Wet cattle hides is deleted.

This part of the amendment shall become effective as of October 30, 1953.

5. Section 373.53 Vessels to be scrapped abroad paragraph (d) Shipper's export declaration is amended to read as follows:

(d) Shipper's export declaration. A license issued under this section will require submission of the fourth copy of the shipper's export declaration to the collector of customs in connection with each shipment.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
542050 600700	Abrasive products: Iron and steel shot, chilled. Pig iron, all grades (specify grade). Steel ingots, blooms, billets, slabs, sheet bars, and tin-plate bars: Carbon steel: Ingots. Billets (except projectile and shell steel), blooms, slabs, sheet bars, and tin-plate bars.
601602 601608 601910	Wire rods, carbon steel. Steel bars, including bar size shapes: Bars, cold finished (all cold drawn or cold rolled flats, rounds or special sections in coils or cut lengths): Die steel bars, carbon steel. Other carbon steel bars.
602010 602010	Bars, hot rolled, except tool and hollow drill steel bars (all regular bars and special sections and bar shapes under 3 inches) (report tool steel bars in 602050 and hollow drill steel bars in 602670): Carbon steel: Die steel bars. Other carbon steel bars.
602350 602350	Structural shapes and piling: Structural shapes, not fabricated: Carbon steel. Sheet piling (all steel grades), except formed.
604510 605000	Fabricated steel products: Towers and poles, fabricated (specify by name). Other structural shapes, fabricated (specify by name). Penstock for conducting water (sections fabricated from rolled steel plate). Culverts and sections, corrugated or plain, coated or uncoated, with or without accessories.
618961 618961 618963 618973	Buildings, prefabricated and knockdown, with or without appurtenances: Iron and steel, except corn cribs, grain bins, and silos (specify by name). Pillow blocks assembled with ball or roller bearings (specify type and size of bearing).

This part of the amendment shall become effective as of 12:01 a. m., November 5, 1953.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Item 1 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., November 12, 1953, may be exported under the previous general license provisions up to and including December 5, 1953. Any such shipment not laden aboard the exporting carrier on or before December 5, 1953, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Supp. 2023. E. O. 9630, Sept., 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,

Bureau of Foreign Commerce.

[F. R. Doc. 53-9601; Filed, Nov. 16, 1953; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 1—TIME FOR DISPOSITION OF LANHAM ACT HOUSING

EXCEPTIONS

Housing and Home Finance Administrator's regulation, Part 1—Time for Disposition of Lanham Act Housing (published at 18 F. R. 4043, July 10, 1953) issued pursuant to delegation of authority under Executive Order 10462, dated June 19, 1953 (18 F. R. 3613) to perform the functions vested in the President by section 611 of Public Law 849, 76th Congress, 54 Stat. 1125, as amended (42 U. S. C., 1946 ed. 1521), is hereby

amended by adding a new § 1.5 to read as follows:

§ 1.5 *Exceptions.* Notwithstanding any other provision in this part, the Housing and Home Finance Administrator may extend with respect to a particular housing project or projects, the time within which any action is required or permitted to be taken by § 1.1 or § 1.2 where he determines (after considering the needs of national defense and the effect of such extension upon the general housing situation and the national economy) that special circumstances warrant such extension in the public interest.

(Sec. 11, 54 Stat. 1128; 42 U. S. C. and Supp. 1548. E. O. 10462, 18 F. R. 3613)

Effective as of the 17th day of November 1953.

B. T. FITZPATRICK,
Acting Housing and Home
Finance Administrator.

[F. R. Doc. 53-9863; Filed, Nov. 16, 1953; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 6052 Regs. 8]

PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPERS, AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 6052, Regs. 34]

PART 450—WITHDRAWAL OF FILLED CHEESE AND PLAYING CARDS, FROM FACTORIES, FREE OF TAX, FOR USE OF THE UNITED STATES

SHIPMENTS OF TAX-FREE TOBACCO PRODUCTS, ALSO CIGARETTE PAPERS AND TUBES, FOR USE OF THE UNITED STATES

On July 1, 1953, notice of proposed rule-making, relating to the removal

tax-free of manufactured tobacco, snuff, cigars, cigarettes, and cigarette papers and tubes, from domestic factories for use of the United States, was published in the FEDERAL REGISTER (18 F. R. 3758). No comments having been received in regard to the rules proposed, the regulations set forth below are hereby adopted.

PARAGRAPH 1. Regulations 8 (26 CFR Part 140), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939, are amended by renumbering § 140.215 (article 215), as last renumbered by Treasury Decision 5368 (16 F. R. 11998), as § 140.225 (article 225).

PAR. 2. Regulations 8 (26 CFR Part 140) are further amended by adding, immediately following § 140.211, a new Subpart P, Tax-Free Shipment of Tobacco, Snuff, Cigars, Cigarettes, and Cigarette Papers and Tubes For Use of United States, as follows:

SUBPART P—TAX-FREE SHIPMENT OF TOBACCO, SNUFF, CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, FOR USE OF UNITED STATES

Sec.
140.212 Shipments restricted.
140.213 Federal requisition.

BOND

140.214 Manufacturer of tobacco products.
140.215 Manufacturer of cigarette papers and tubes.

NOTICE OF SHIPMENT FROM FACTORY

140.216 Notice of shipment.

PACKING AND LABELING

140.217 Tobacco products.
140.218 Cigarette papers and tubes.

ENTRIES IN MANUFACTURER'S RECORDS

140.219 Manufacturer of tobacco products.
140.220 Manufacturer of cigarette papers and tubes.

EVIDENCE OF DELIVERY REQUIRED

140.221 Certificate of receipt.

AUTHORITY: §§ 140.212 to 140.221 Issued under 53 Stat. 467; 26 U. S. C. 3791.

SEC. 3331. INTERNAL REVENUE CODE, EXEMPTION FROM TAX OF DOMESTIC GOODS PURCHASED FOR THE UNITED STATES.

The privilege existing by provision of law on December 1, 1873 or thereafter of purchasing supplies of goods imported from foreign countries for use of the United States, duty free, shall be extended, under such regulations as the Secretary may prescribe, to all articles of domestic production which are subject to tax by the provisions of this subtitle.

§ 140.212 *Shipments restricted.* Manufacturers of tobacco, snuff, cigars, cigarettes, and cigarette papers and tubes, may ship such articles tax-free from their factories, in accordance with this subpart, to Federal agencies and institutions for gratuitous distribution. Shipments of such articles for sale by Federal agencies or institutions are not within the meaning of the law authorizing the purchase of articles tax-free for use of the United States. Institutions owned or controlled by the Governments of the several States, Territories, or the District of Columbia, are not entitled to receive such articles tax-free.

§ 140.213 *Federal requisition.* When ever manufactured tobacco, snuff, cigars, cigarettes, and cigarette papers or tubes, are purchased by a Federal agency or institution for the use of the United States, and it is proposed to ship such articles from the place of manufacture, tax-free, the agency or institution desiring the product shall prepare a requisition on Form 7996, in quadruplicate. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. Each of the four copies of the form must agree in every respect, and shall be signed and approved by the head of the agency or institution or by a person duly authorized to sign and approve for such officer. The agency or institution shall retain one copy of the form and transmit the remaining three copies to the manufacturer concerned at the time of placing its order for the merchandise. Immediately after removal of the shipment from the factory, the manufacturer shall forward two copies of the requisition, Form 7996, with two copies of the notice of shipment, Form 7997, as required in this subpart, to the Assistant Regional Commissioner for the region in which the factory is located. The remaining copy of the Form 7996 shall be retained by the manufacturer at the factory from which the shipment is made, with a copy of the Form 7997, for his records and for inspection, upon demand, by any internal revenue officer.

BOND

§ 140.214 *Manufacturer of tobacco products.* A shipment of tax-free tobacco, snuff, cigars, or cigarettes, made by a manufacturer of such articles under this subpart, shall be charged against the bond, Form 40 or Form 71, furnished by the manufacturer to cover the operation of his factory from which the shipment is removed.

§ 140.215 *Manufacturer of cigarette papers and tubes.* A manufacturer of cigarette papers and tubes desiring to remove cigarette papers in packages, books, or sets, of more than 25 papers each, and any cigarette tubes, from his factory, tax-free, under this subpart, shall furnish to the Assistant Regional Commissioner for the region in which his factory is located, a bond on Form 7999, with acceptable corporate surety, or at least two individual sureties, or collateral, as required by this part. Bond, Form 7999, shall be prepared and executed, in triplicate, in accordance with this subpart, as supplemented by the instructions printed on the form, or issued in respect thereto. If given with individual sureties, the manufacturer shall furnish from each such individual surety an affidavit on Form 33, in triplicate, to show his qualification to act as such surety, a copy of which affidavit shall be attached to each copy of the related bond when filed by the manufacturer. A separate bond shall be furnished for each such factory from which tax-free removals under this subpart are to be made.

(a) *Penal sum.* The bond must be in a penal sum sufficient to cover the estimated amount of tax which may at any time constitute a charge against the bond: *Provided*, That the penal sum of the bond furnished under this section shall not exceed \$25,000 nor be less than \$500. The bond shall be a continuing one, and the liability thereof subject to increase as successive withdrawals are made thereunder, and to decrease as evidence of delivery, as required by this subpart, is received by the Assistant Regional Commissioner. When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further shipments may be made under such bond, until an additional or strengthening bond, with the same surety as that on the original bond, or a new or superseding bond, has been filed to cover further shipments of such articles from the factory.

(b) *Action on the bond.* The Assistant Regional Commissioner shall, if the bond meets with his approval, make endorsement to that effect on all three copies. He shall retain one copy, forward one copy promptly to the Commissioner of Internal Revenue, and transmit the remaining copy to the manufacturer as notice of approval of the bond and authority to make tax-free shipments of the articles covered by the bond. The copy of the bond, together with copies of any Forms 33 or any other documents returned to him in connection therewith, shall be retained by the manufacturer at the factory from which such tax-free shipments are to be made, for his records and for inspection, upon demand, by any internal revenue officer.

NOTICE OF SHIPMENT FROM FACTORY

§ 140.216 *Notice of shipment.* For each shipment of tax-free tobacco products or cigarette papers or tubes removed from his factory under this subpart, the manufacturer shall prepare a notice of shipment on Form 7997, in triplicate. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. The manufacturer shall assign to each notice of shipment a serial number, which shall begin with No. 1 with respect to the first shipment made under this subpart and begin again with No. 1 with respect to the first shipment made on January 1 of each year thereafter, which serial number shall be the same on all three copies of the notice. Immediately after removal of the shipment from the factory, the manufacturer shall forward two copies of the notice of shipment, Form 7997, with two copies of the requisition, Form 7996, as required in this subpart, to the Assistant Regional Commissioner for the region in which the factory is located. The remaining copy of the Form 7997 shall be retained by the manufacturer at the factory from which the shipment is made, with a copy of the Form 7996, for his records and for inspection, upon demand, by any internal revenue officer.

PACKING AND LABELING

§ 140.217 *Tobacco products.* Manufactured tobacco, snuff, cigars, and cigarettes shipped from a factory under this subpart, must be put up in packages of the same sizes prescribed by law for such articles removed taxpaid for domestic sale or consumption. Each package must show either the name of the manufacturer or the identity of his factory by number and State, which may appear in the form of the caution notice and/or factory brand required to be affixed to each package removed from the factory for taxable purposes. There shall be affixed to each package a label or sticker, clearly distinguishable from an internal revenue stamp, on which shall be printed in legible letters the words "Free of Tax—Use of U. S. Not to be Sold". Printing of any additional words, inscription, or legend on such label may be permitted, when approved by the Assistant Regional Commissioner for the region in which the factory is located.

§ 140.218 *Cigarette papers and tubes.* When cigarette papers and tubes are shipped by a manufacturer under this subpart, such articles may be put up in packages, books or sets of any sizes desired. Packages, books or sets containing more than 25 cigarette papers each, and all packages of cigarette paper tubes, must bear the name and address of the manufacturer and a label or sticker, clearly distinguishable from an internal revenue stamp, on which shall be printed in legible letters the words "Free of Tax—Use of U. S. Not to be Sold". Printing of any additional words, inscription, or legend on such label may be permitted, when approved by the Assistant Regional Commissioner for the region in which the factory is located.

ENTRIES IN MANUFACTURER'S RECORDS

§ 140.219 *Manufacturer of tobacco products.* Entry of each shipment of tax-free tobacco, snuff, cigars, or cigarettes, actually removed from his factory under this subpart shall be made by the manufacturer in the proper column in the prescribed revenue book, Form 73, Part 1 or 2, or Form 74, as the case may be. Such shipment shall also be included in the revenue book in the recapitulation or account of manufactured tobacco and snuff, or cigars or cigarettes, for the month in which the shipment was removed.

§ 140.220 *Manufacturer of cigarette papers and tubes.* Appropriate entry of each shipment of cigarette papers and tubes actually removed from his factory under this subpart shall be made by the manufacturer in the revenue book required to be kept by him. Such entry shall carry a notation "For use of U. S.". With respect to the manufacturer's return, Form 734, cigarette papers so shipped shall be reported in the appropriate column, under cigarette papers removed, with the notation "For use of U. S.", while cigarette tubes so shipped shall be reported on the return in the column covering tubes delivered tax-free, with a similar notation to appear through or across the columns headed "Factory No." and "District".

EVIDENCE OF DELIVERY REQUIRED

§ 140.221 *Certificate of receipt.* The officer responsible for receiving a shipment of tax-free tobacco products, or cigarette papers and tubes, delivered to a Federal agency or institution, for use of the United States, shall, upon receipt of the shipment, inspect it in order that he may certify as to the quantity and class of product actually received and date of receipt. Such certificate shall be executed on Form 7998, to be prepared in triplicate. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. The receiving officer shall retain one copy of such certificate and transmit the other two copies promptly to the manufacturer who made the shipment. The manufacturer shall keep one copy of the certificate, Form 7998, at the factory from which the shipment was removed, for his records and for inspection, upon demand, by any internal revenue officer. The other copy of the Form 7998 shall be forwarded by the manufacturer to the Assistant Regional Commissioner for the region in which the factory is located, in order that the manufacturer may be re-

lieved of liability to tax on the product actually received by the agency or institution. Where there is a loss of goods in transit, or there is any difference between the quantity of product withdrawn from the factory as described on the notice of shipment and that certified by the receiving officer as having been delivered to the Federal agency or institution, the manufacturer making the shipment shall be liable for the tax on such shortage or difference.

PAR. 3. Regulations 34 (26 CFR Part 450), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939, are amended to remove therefrom all references to tobacco, snuff, cigars, and cigarettes, as follows:

(A) The headnote of Part 450 (Regulations No. 34, Revised) is amended to read as follows: Part 450—Withdrawal of Filled Cheese and Playing Cards, From Factories, Free of Tax, For Use of the United States.

(B) The first sentence of the preamble (26 CFR 450.0), as last amended by Treasury Decision 5818 (15 F. R. 8819), is further amended by striking out "tobacco, snuff, cigars, and cigarettes" and by inserting the word "and" between

the words "filled cheese" and "playing cards".

(C) The first sentence of article 2 (26 CFR 450.2), as last amended by Treasury Decision 5818 (15 F. R. 8819), is further amended by striking out "tobacco, snuff, cigars, and cigarettes."

(D) Article 5 (26 CFR 450.5), as last amended by Treasury Decision 5818 (15 F. R. 8819), is further amended by striking out paragraph (b) and by relettering paragraph (c) as (b).

(E) The second sentence of the second paragraph of article 8 (a) (26 CFR 450.8 (a) (2)), as last amended by Treasury Decision 5818 (15 F. R. 8819), is further amended by striking out "and tobacco manufactures".

This Treasury decision shall be effective on the 31st day after publication in the FEDERAL REGISTER.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL]

JUSTIN F. WINKLE,
Acting Commissioner of
Internal Revenue.

Approved: November 10, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-9667; Filed, Nov. 16, 1953;
8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR Part 92]

[CGFR 53-47]

SPEED LIMITS OF VESSELS IN ST. MARYS
RIVER CHANNEL FROM FRYING PAN IS-
LAND TO PIPE ISLAND SHOAL, MICHIGAN

PUBLIC HEARING ON PROPOSED SPEED LIMITS

1. The Commander of the 9th Coast Guard District will hold a public hearing on Thursday, January 7, 1954, commencing at 10:00 a. m., in Room 1712, B. F. Keith Building, 1621 Euclid Avenue, Cleveland 15, Ohio, to consider the establishment of a maximum speed limit of 12 statute miles per hour over the ground in the St. Marys River, Michigan, from Frying Pan Island to Pipe Island Shoal, and for the purpose of receiving comments, views, and data, relating thereto for submission to the Merchant Marine Council at Coast Guard Headquarters, Washington, D. C.

2. The rules and regulations in 33 CFR Part 92 contain the requirements governing the movements and anchorage of vessels and crafts on the St. Marys River, Michigan, from Point Iroquois on Lake Superior to Point Detour on Lake Huron. These rules and regulations are also published by the Coast Guard in CG-172, "Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River."

3. The citizens of the Village of Detour, Michigan, submitted the following resolution to the Commandant:

We, the undersigned property owners on the St. Marys River, Detour Township, are deeply concerned about property damage in the matter of washing away our shore lines, destroying our boat landings and docks, endangering life to fishermen in small craft, due to the excessive speed of the new diesel powered carriers operating through the St. Marys channel from Sweets Point to Point DeTour or one mile south of Coast Guard Station. The waves created by the speeding carriers lash our shores with stormlike proportion and constitute a day and night hazard.

We are confident that proper regulation of 10 miles per hour is adequate to safeguard our property rights and unite to call with emphasis this violation to your attention, appealing to your efficient patrol staff to use their good offices to enforce proper regulation of speed of the large diesel powered carriers, which by observation we consider the chief offenders in this instance. If immediate measures are not taken to check this violation of regulation and total disregard to our property rights, it will be necessary to approach our definite problem on a higher level.

4. In order to protect the shore property at Detour, Michigan, it is proposed to establish a maximum speed limit of 12 statute miles over the ground for vessels navigating the St. Marys River channel, Michigan, between Frying Pan Island Dock Light and Pipe Island Shoal Lighted Buoy No. 7 for upbound vessels and between Pipe Island Light and Frying Pan Island Dock Light for downbound vessels. To accomplish this, it is proposed to amend 33 CFR 92.49 (a) by changing the heading and by adding new subdivisions (iii) to paragraph (a) (1) and (2), so that this paragraph reads as follows:

§ 92.49 *Speed limit on the St. Marys River.* (a) Except as modified by paragraph (c) of this section, and §§ 92.51, 92.53, and 92.55, a vessel of 50 gross tons or over shall at no time exceed a speed of 12 statute miles per hour over the ground between the following points in the St. Marys River:

(1) Upbound:
(i) Everens Point and Lake Nicolet Lighted Buoys Nos. 63 and 64.

(ii) Six-Mile Point Range Rear Light and Big Point.

(iii) Frying Pan Island Dock Light and Pipe Island Shoal Lighted Buoy No. 7.

(2) Downbound:

(i) Big Point and Six-Mile Point Range Rear Light.

(ii) Nine-Mile Point and lower end of West Neebish Channel.

(iii) Pipe Island Light and Frying Pan Island Dock Light.

(Secs. 1-3, 29 Stat. 54, 55, as amended; 33 U. S. C. 474)

5. Copies of the proposed regulation are being mailed to persons and organizations who have expressed an active interest in this subject. Copies of the proposed regulation may be obtained from the Commander, 9th Coast Guard District, United States Coast Guard, B. F. Keith Building, 1621 Euclid Avenue, Cleveland 15, Ohio, or from the Commandant (CMC), United States Coast Guard, Washington 25, D. C., so long as they are available.

6. Comments on the proposed regulation are invited. All persons who desire to submit written comments, data, and

views prior to the hearing for consideration in connection with the proposed speed limit should submit them in writing for receipt prior to January 5, 1954, by the Commander, 9th Coast Guard District, or comments, data, and views may be presented orally or in writing at the public hearing. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment on the proposed regulation shall be submitted in duplicate on Form CG-3287, showing the section and paragraph number, proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. Copies of Form CG-3287 may be obtained upon request from the Commander, 9th Coast Guard District, or from the Commandant (CMG), Coast Guard Headquarters.

Dated: November 10, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 53-9666; Filed, Nov. 16, 1953;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 43, 601]

[Draft Release No. 53-25]

ANTI-COLLISION LIGHTS FOR LARGE AIRCRAFT OPERATING AT NIGHT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by January 15, 1954. Copies of such communications will be available after January 19, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The problem of conspicuity of aircraft flying at night has been recognized for a long time. For many years the standard method of making airplanes distinguishable at night has been by means of aircraft position lights. Some fifteen years ago tests revealed that the conspicuity of position lights was increased when these lights were made to flash. As a result the regulations were amended to require the installation of flashing position lights as a type certification requirement for transport category airplanes. However, continued experimentation indicated that the flashing position light systems in use could be improved and, because the need for improvement of conspicuity became apparent, further effort was expended by

Government agencies and the industry in experiments with position light systems. Experiments in recent years revealed that high intensity rotating lights, commonly referred to as anti-collision lights, increase conspicuity to the point where safety of air navigation can be materially increased if aircraft are equipped with such lights. In order to enable operators, in particular the scheduled air carriers, to evaluate thoroughly this and other systems of aircraft exterior lighting, the Board promulgated Special Civil Air Regulations Nos. SR-361, effective March 9, 1951, SR-390, effective January 1, 1953, and SR-392, effective May 16, 1953.

The progress made by manufacturers of lighting systems and by the operators was such that early in 1952 certain of the scheduled air carriers indicated their desire to install anti-collision lights on their fleets. The Civil Aeronautics Board was advised at that time that the air carrier operators would prefer to make these installations as early as practicable and on a voluntary basis without regulatory compulsion.

Since it appeared that these air carrier operators considered satisfactory those types of anti-collision lights which were then available to them, the Board introduced a broad objective standard for anti-collision lights which would be applicable to future designs of transport category airplanes. The adoption of this standard was for the purpose of assuring a reasonable degree of standardization of anti-collision lights.

The Board, in consideration of the air carrier's viewpoint, did not make the installation of anti-collision lights mandatory on presently operated airplanes, although the Board was in receipt of recommendations from other sources to adopt a mandatory requirement.

Recent indications reveal that relatively little progress has been made by the air carriers in installing anti-collision lights. It is estimated that, since the beginning of the program about a year ago, only a small percentage of the airplanes utilized in air carrier operations are equipped with anti-collision lights even though the lights are available in ample quantity. This progress does not meet the Board's expectations. At the same time experience shows, and recent near accidents emphasize, that the use of anti-collision lights would increase conspicuity and contribute materially to the safety of night operations. The Board believes that the installation of anti-collision lights is of sufficient importance that they should be made mandatory.

In view of the fact that the problems associated with the safety of night operations are not applicable solely to air carrier aircraft, the Board believes that the requirement of anti-collision lights should not be limited to airplanes used in air carrier operations. Since a substantial percentage of aircraft operated at night in or near areas of high air traffic density are large aircraft, it is believed that the requirement of anti-collision lights on all large airplanes should be of benefit in improving safety during night operations. In addition, the pres-

ent stage of development of anti-collision lights does not present serious installation problems for large airplanes, but does present such problems with regard to installations on small airplanes. Additional study is being made with respect to the practicability of similar types of lights for small airplanes. In view of the foregoing, this proposal would require the installation of anti-collision lights on all aircraft of over 12,500 pounds maximum certificated weight.

Accordingly, notice is hereby given that the Board proposes to amend the operating parts of the Civil Air Regulations to provide that anti-collision lights, meeting the specifications of § 4b.637 of Part 4b, must be installed on all aircraft of over 12,500 pounds maximum certificated weight not later than September 30, 1954, and used between sunset and sunrise.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 40 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560).

Dated November 10, 1953 at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-9672; Filed, Nov. 16, 1953;
8:51 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 1, 4, 5, 6, 9, 16, 24, 25]

[Docket No. R-128]

MISCELLANEOUS AMENDMENTS TO CHAPTER

NOTICE OF PROPOSED RULE MAKING

NOVEMBER 5, 1953.

Amendment of Part 1, Rules of Practice and Procedure, and of Parts 4, 6, 9, 24 and 25 of Subchapter B, Regulations Under the Federal Power Act Relating to Applications for Licenses, Permits, and Amendments, Surrender or Termination of License, Transfer of License or Lease of Project Property, Declarations of Intention and Applications for Vacation of Withdrawal and for Determination Permitting Restoration to Entry.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 1, entitled "Rules of Practice and Procedure" of Subchapter A, General Rules, Chapter I of Title 18, Code of Federal Regulations to prescribe therein (in lieu of existing sections or the indicated portions thereof) amended §§ 1.8 (f) (2), 1.14 (a) (2), 1.17 (a), 1.17 (b), 1.20 (h), 1.20 (k), 1.30 (c) (1), 1.30 (d) (5), 1.31 (a), 1.31 (b), and 1.35, to read as set forth below.

3. The changes proposed in paragraph 2 are primarily for the purpose of clarifying

fying the existing provisions or to remove minor inconsistencies.

4. It is also proposed to amend Subchapter B, Regulations Under the Federal Power Act, Chapter I of Title 18, Code of Federal Regulations to prescribe therein (in lieu of existing sections or the indicated portions thereof) amended §§ 4.30, 4.31, 4.32, 4.33, 4.40, 4.40 (g), 4.40 (h), 4.41. Exhibits A, B, E, F, H, I, J, K, L, M and N, §§ 4.42, 4.81, 4.82 (opening paragraph only), § 4.82 (g), § 4.82 (k). Exhibits A, B, H, and I, §§ 4.83, 4.84, 4.85, 5.4 (new), 6.2, 6.5, 9.3, 16.1, 16.2, 24.1, 25.1, to read as set forth below and to eliminate § 4.75 which is no longer applicable.

5. The changes proposed in paragraph 4 are necessary to correct inconsistencies relating to the number of copies of applications for licenses and other authorizations under Part I of the Federal Power Act, and accompanying documents to be filed, to describe procedures designed to expedite final action on applications, to eliminate requirements for information not now pertinent, to expand the requirements to provide additional information found necessary through experience, to liberalize and improve the requirements for project area maps, to include the requirement of satisfactory restoration of lands of the United States upon surrender of license, and to require transferees to assume responsibility for payment of annual charges accruing prior to the date of transfer.

6. The accompanying amendments to the Commission's regulations are proposed to be issued under authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly section 309 thereof (49 Stat. 858; 16 U. S. C. 825 (h)).

7. Any interested person may submit on or before the 10th day of December, 1953, to the Federal Power Commission, Washington 25, D. C., data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submissions before acting upon the proposed amendments.

[SEAL]

LEON M. FOUQUAY,
Secretary.

1. In § 1.8 add the following at the end of paragraph (f) (2): "Interventions will be granted under this section only for the purpose of allowing the intervenor to offer at the hearing on the pending matter competent evidence of its interest in the proceeding and in support of its position as set forth in its petition to intervene. Failure of an intervenor to adduce into said hearing competent evidence of its interest in the proceeding shall constitute grounds for rescission, by the Commission, of the intervention. Interventions granted under this section will be limited to matters affecting asserted rights and interests specifically set forth in the petition."

2. In § 1.14 delete paragraph (a) (2) and substitute therefor:

(2) *Acceptance for filing.* There will be accepted for filing only such applications, pleadings, and other papers as conform to the requirements of these

rules, and any other applicable rule, regulation, or order of the Commission or applicable statute; applications, pleadings or other papers tendered for filing which fail so to conform may be refused acceptance for filing and may be returned by the Secretary with an indication of the deficiencies of the tendered filing and the reasons for non-acceptance and return. Acceptance for filing shall not waive any failure to comply with the rules, and such failure may be cause for striking all or any part of such filing.

3. In § 1.17 delete first sentence of paragraph (a) and substitute therefor:

(a) *By the Commission.* Applications, formal complaints, petitions other than intervening petitions and applications and petitions for amendment or modification of orders, orders and all forms of Commission action shall be served by the Secretary by registered mail, except when service by other method shall be specifically required by the Commission, by registering and mailing a copy thereof to the person, partnership, corporation, trust, association, or other organized group to be served, addressed to the person or persons designated in the initial pleadings, at his or its principal office or place of business.

4. In § 1.17 delete paragraph (b) and substitute therefor:

(b) *By parties.* Applications and petitions for amendment or modification of orders, answers, protests, intervening petitions, supplements or amendments thereto or to applications, complaints or petitions, motions, briefs, notices, and all other papers, except depositions, filed in proceedings pending before the Commission upon its docket, when filed or tendered to the Commission for filing, shall show service thereof upon all participants to the proceeding. Such service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each participant.

5. § 1.20 delete the proviso in the first sentence of paragraph (h) and substitute therefor:

(h) *Prepared expert testimony.* * * * *Provided,* That copies of such prepared testimony shall have been served upon all parties to the proceeding or their attorneys of record, including staff counsel of record, at least five days in advance of the session of the hearing at which such testimony is offered, unless all the parties and staff counsel shall have expressly waived their right to be supplied with such copies in advance, or all counsel, including staff counsel, shall have agreed mutually that such copies may be served a lesser number of days in advance.

6. In § 1.20 change the period at the end of paragraph (k) to a comma and add the words: "or upon motion to the presiding officer or the Commission as provided for in § 1.12 (d)."

7. In § 1.30 delete the first sentence of paragraph (c) (1) and substitute therefor:

(1) In lieu of any intermediate decision (initial by presiding officer, recom-

mended by presiding officer or designated responsible officer, or tentative by the Commission), any party or staff counsel in any proceeding may request that the Commission forthwith render the final decision; and if all other parties and staff counsel join or concur in such request, it shall be deemed to have been granted unless the Commission denies such request within 10 days next following its submission or filing.

8. In § 1.30 delete paragraph (d) (5) and substitute therefor:

(5) Decisions by the Commission in proceedings in which the intermediate decision procedure has been omitted in accordance with paragraph (c) (1) and (3) of this section.

9. In § 1.31 add the following at the end of paragraph (a): "Exceptions shall conform to the requirements of §§ 1.15, 1.16 and 1.17, but need not be verified under oath."

10. In § 1.31 delete the last sentence of paragraph (b) and substitute therefor: "Supporting reasons for the exceptions, may, if desired, be submitted in a separate document."

11. In § 1.35 change period at end of section to a comma and add the words: "except that five conformed copies of such notice shall be filed in lieu of the fourteen conformed copies required by § 1.15 (b)."

12. Except where otherwise noted, delete the existing section or paragraph and substitute the following:

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COST

§ 4.30 *Who may file.* An application for license may be filed by any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the act.

§ 4.31 *Acceptance for filing or rejection of applications.* When an application which conforms to the requirements of § 1.15 of this chapter is received, it will be given a filing number, notice of receipt thereof and filing number given thereto will be furnished applicant, and notices will be given in accordance with the requirements of section 4 of the act (49 Stat. 839; 16 U. S. C. 797), § 1.37 of this chapter, and the Wildlife Resources Act of 1946 (60 Stat. 1080). Notice will also be given to the appropriate office of the Department of the Interior as to the public lands affected, if any, so that withdrawals from entry may be recorded, unless such action has been taken in connection with a preliminary permit. An application may be acceptable for filing for processing prior to final Commission action thereon, provided it contains the information required under § 4.40 (a), (b), (c), (d), (e), (f), and (h), together with Exhibits A, B, E, G, J, K, L, M, and O, required under § 4.41. Such application may include as Exhibit K, a project area map with such information with respect to lands affected as is readily available without a detailed survey, and as Exhibit L, the tentative design of the project works proposed. An application which fails to meet these requirements will be rejected by the Secretary as pro-

vided by § 1.14 of this chapter. However, the applicant may be required to furnish the balance of the information required under §§ 4.40 and 4.41 at such time as the Secretary directs and failure to furnish same will constitute grounds for rejection of the application by the Secretary as provided by § 1.14 of this chapter. The Commission may require as a condition of license that the licensee furnish additional or revised exhibits by a specified time and failure to furnish such information within the time specified or an extension thereof granted by the Commission shall constitute a violation of the license and cause for action under section 26 of the Federal Power Act. In case any information, documents or exhibits required to be filed with an application are already on file with the Commission, in current form and substance, the same may be incorporated in the application by reference.

§ 4.32 *Hearing on application.* A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest. The hearing shall be limited to the issues specified in the order fixing the hearing.

§ 4.33 *Issuance and acknowledgment of acceptance.* When the Commission shall have issued a license or an amendment thereof, the same shall be forwarded to the applicant for acknowledgment of acceptance. Unless an application for rehearing is filed, or unless the order is stayed by the Commission, the order issuing the license or an amendment thereof shall become final thirty (30) days from date of issuance and the acknowledgment of acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance of the license or the amendment.

§ 4.40 *Contents.* Each application for license for a complete project of more than 100 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to § 131.2 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the application and all accompanying documents shall be submitted, in sextuplet, with one additional copy for each interested State Commission.

(g) The lands and reservations of the United States which will be affected by the proposed project.

(h) A description of the proposed initial and ultimate scheme of development including installed capacities, and a concise statement with regard to the adaptability of the project to a comprehensive scheme of improvement and utilization for the purpose of navigation of waterpower development, of aiding flood control, and of other beneficial public uses.

§ 4.41 *Required exhibits.* There shall be filed with the application for license and as a part thereof the following exhibits, certified in conformity with § 131.4 of this chapter:

Exhibit A. If applicant is a corporation: One copy of charter or certificate and articles of incorporation, with all the amendments thereto, duly certified by the secretary of state of the State where organized, or other proper authority, and the required number of additional uncertified copies: one certified and the required number of additional uncertified copies of the by-laws; and a certificate of organization in quintuplet with one additional copy for each interested State commission in conformity with § 131.3 of this chapter. If the project is located in another State than that in which the corporation is organized, a certificate and the required additional copies shall be submitted from the secretary of state or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality as defined in the Federal Power Act: One copy of its charter or other organization papers, duly certified by the secretary of state of the State in which it is located, or other proper authority, and the required number of additional uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by applicant that he is a citizen of the United States, and the required number of additional copies thereof.

If the applicant is an association: One verified copy and the required number of additional copies of its articles of association. If there are no articles of association, that fact shall be stated over the signature of each member of the association and the required additional copies of the statement submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, and an original and the required number of additional copies submitted.

Exhibit B. Copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant, properly attested, and the required additional copies, authorizing the filing of application.

Exhibit E. The nature, extent, and ownership of water rights which the applicant proposes to use in the development of the project covered by application, together with satisfactory evidence that the applicant has proceeded as far as practicable in perfecting its rights to use sufficient water for proper operation of the project works. A certificate from the proper State agency setting forth the extent and validity of the applicant's water rights shall be appended if practicable. In case the approval or permission of one or more State agencies is required by State law as a condition precedent to the applicant's right to take or use the water for the operation of the project works, duly certified evidence of such approval or permission, or a showing of cause why such evidence cannot be reasonably submitted shall also be filed. When a State certificate is involved, one certified copy and the required additional uncertified copies shall be submitted.

Exhibit F. Full details as to lands owned by applicant, and as to applicant's plans for acquiring title to or the right to occupy and use lands other than those owned by the applicant or by the United States, necessary or essential for carrying out the project covered by the application. If the applicant, at the time of filing application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use lands owned by others, the statement should show with respect to each separate right of occupancy and use—

- (1) From whom acquired.
- (2) The date acquired.

(3) Nature and extent of the right acquired.

(4) Whether perpetual or limited term.

(5) If of limited term, when such term expires.

(6) For each parcel acquired, the area inside of the project boundary and the area outside of the project boundary, and a reference to Exhibit K.

Exhibit H. Statement of the proposed operation of the project works during times of low, normal and flood flows of the stream, including a statement of the minimum flow proposed to be released during periods of low water and full exposition of any proposed use of the project for the conservation and utilization in the public interest of the available water resources for the purposes of power, navigation, irrigation, reclamation, flood control, and municipal water supply. Statement as to whether in relation to existing and probable future projects in the same or related watersheds, the fullest practicable utilization of the water, storage possibilities, and head available will be made possible. Furnish operating rule for reservoirs with draw-down and usable storage, state criteria for determining spillway capacity.

Exhibit I. Estimate of the dependable capacity and average annual energy output to be generated by the project (dependable capacity is measured by the amount of other additional capacity from an alternate source which would be required to meet the load during the critical flow period if the proposed hydro-project were not constructed). Specify the period of critical stream flow used in determining the dependable capacity and describe the load into which the power generated by the project will be utilized. Furnish the following engineering data: A flow duration curve indicating the period of record and gaging stations used in deriving this curve, a tailwater rating curve, a curve showing estimated plant capability versus head, and an outline of plan for future proposed hydro-projects on the stream involved and their approximate location and ultimate installed capacity. When pertinent, state assumptions used for evaporation, leakage, and head losses.

Exhibit J. General map covering the entire project area, showing on a single sheet and to an appropriate scale the location of the following:

(1) Principal structures and other important features of the project, including such roads, railways, tramways, and bridges as it is proposed shall become part of the project works and be placed under the license.

(2) All transmission lines, substations, switchyards, and telephone lines, which it is proposed shall become a part of the project works and be placed under license, as well as general layout of the transmission system, if any, with which the project may be connected, indicating prominently by appropriate symbol the portion or portions of the transmission lines or system covered by application for license.

(3) State and county lines, reservations of the United States, towns, streams, stream gaging stations, railroads, power plants, irrigation systems and other features in the vicinity of the proposed development, information concerning which will aid in arriving at a general comprehension of the project.

(4) Reference to the detail map (Exhibit K) indicating by outline the portion shown on each sheet.

(5) If all features cannot be shown with sufficient distinctness on one sheet, two general maps may be furnished, one for the power plant and appurtenant works, and one for the transmission system. (See specifications for drawings § 4.42.)

Exhibit K. Detail map covering entire project area. Scale shall be such as to show clearly, but without unnecessary multiplica-

ity of sheets, the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to transmission and telephone lines, roads, and railways. Elevations shall be tied to Government bench marks whenever available, and shall be referred to mean sea level except that in the case of projects in navigable waters having a datum accepted for local use by the Office of the Chief of Engineers, Department of the Army, such local datum shall be used. If more than one sheet is used the sheets shall be numbered consecutively, and each shall bear a small diagram showing the entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet, each so placed or limited as to avoid crowding or confusion. Except to the extent and in such particulars as the requirements may be expressly waived or modified by the Commission the detail map to be filed as this exhibit shall conform to the specifications for drawings, § 4.42, and the following requirements:

(1) It shall show the project area and the project boundary.

(i) The project boundary for reservoirs may be shown by metes and bounds, or by a contour, or if the project lands are covered by the public land survey by lines along or parallel to lines of the public land survey. Where a flowage easement or right of use involving other than a conveyance in fee for a reservoir applies to a whole tract of land and is not otherwise defined, the project boundary may enclose the entire tract.

(ii) The project boundary for continuous structures, such as transmission lines, telephone and control lines, conduits, roads, etc., may be described by center or offset lines of survey specifying distances of the project boundary therefrom.

(iii) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(iv) If the project boundary is located on lands covered by the public land survey there shall be shown a reference line from the initial point of the project boundary survey by distances and bearings to an established corner if one can be identified within a distance of 2 miles. At each intersection of the project boundary with an identified line of the public land survey, there shall be shown the station number on the boundary survey, and the bearing and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed one mile. The station number of the boundary survey shall be shown at points of entering and leaving lands of the United States or lands in which the United States has an interest.

(v) The project boundary, if described other than by a contour, shall be accurately plotted on the map with courses and distances fully and legibly shown either along the plotted boundary or in tabular form on the map. The project boundary if described

by a contour, shall be accurately plotted on the map with such data as completely and accurately fixes its location and permits its recovery in the field.

(vi) If a contour project boundary is located on lands covered by the public land survey, a permanent monument shall be established at each intersection of the boundary with an identified line of the public land survey. The map shall have the location of all such monuments with the bearing distance from each monument to nearest identified corner in each direction if such distance does not exceed one mile.

(vii) Wherever a Federal survey monument will be destroyed or rendered unusable by the proposed development, at least two permanent, marked witness monuments shall be established at accessible points. The map shall show a description of the monument destroyed or rendered unusable and location of the witness monuments with the connecting courses and distances to the original monument. Similarly where Federal bench marks are destroyed or rendered unusable, witness bench marks shall be established at accessible points. The map shall show the location and elevation of the original and witness bench marks with connecting courses and distances.

(viii) There shall be shown the status as to ownership, and the boundary lines and area of each parcel of land within, or partly within, the project area, designating separately lands owned by the applicant, lands to be acquired by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands, full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right and shall give appropriate reference to Exhibit F for further details.

(ix) Each map shall have thereon a statement by the person who makes or supervises the survey that the survey was accurately made and is correctly shown on the map. Each map shall have thereon a statement that the person who makes or supervises the survey has been employed by the applicant to make the survey.

(2) The location shall be accurately shown of all project works, such as—

(i) Dams.

(ii) Reservoirs. Show the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.

(iii) Water conduits. Show center line, grade, and elevation of bottom at each change of grade, and designate lengths of each type of conduit, i. e., flume, ditch tunnel, pipe, etc.

(iv) Powerhouses, substations, and switchyards.

(v) Transmission lines and appurtenances, telephone lines, roads, railways, trails, tramways and bridges.

(vi) Navigation structures.

(vii) Channel approaches to navigation structures. Indicate elevation of bottom for distance of not less than 1,000 feet above and below the structures.

(3) Show contour lines with contour intervals of not more than 10 feet for the entire project area, except such portions as will be occupied only by such project works as are enumerated in (2) (v), or as will be included in reservoirs below the minimum elevation to which the water may be drawn down. Profiles of tunnel lines may be substituted for contours along such lines. (See specifications for drawings in § 4.42.)

Exhibit L. General design drawings showing plans, elevations, and sections of all principal structures and appurtenant works or other features of the project. These drawings shall be in sufficient detail and shall be accompanied by sufficient information relating to controlling factors (such as character of foundations and explorations thereof, materials and types of construction, important elevations, gradation of filter and riprap material, design and ultimate strengths for concrete and steel, stress and/or stability analysis for important structures, water levels, spillway rating curves, etc.) to enable the Commission to have a full understanding of the project and to check safety, adequacy, and desirability in the development of the resources involved.

Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple. Details are desired only as necessary to show features of importance in determining safety, adequacy, and suitability of design. Working drawings are not desired as part of application, but should be prepared for purposes of construction and retained as a record of the work when completed. In this exhibit shall be included—

(1) Dams and appurtenances, such as spillways, fishways, outlet works, etc.

(2) Navigation structures and approaches thereto, including locks, lock gates, operating machinery, etc.

(3) Conduits including forebays, intake works, surge tanks, and other pressure relief devices, etc.

(4) Powerhouses and substations (See specifications as in § 4.42).

Exhibit M. General descriptions of mechanical, electrical, and transmission equipment and their appurtenances in sufficient detail to enable the Commission to have a full understanding of the project, to determine the installed capacity in horsepower and kilowatts, and to determine the safety of the project works and their adequacy and suitability for the development and utilization of the resources involved, also name plate ratings for generators and turbines, and when required by the Commission or the Secretary performance data for generators and turbines and general specifications of mechanical, electrical, and transmission equipment.

Exhibit N. Estimate of the cost of developing the project including the following items:

Land and land rights;
Power plant structures and improvements;
Reservoirs, dams and waterways;
Water wheels, turbines and generators;
Accessory electric equipment;
Miscellaneous power plant equipment;
Roads, railroads, and bridges (Permanent facilities); and
Transmission facilities.

When required by the Commission or the Secretary, under each item show quantities, unit costs and total costs; indirect construction costs such as construction equipment, camp and commissary, etc., if the work is not to be done under contract; or if under contract include the indirect costs among the various cost items above; overhead construction costs such as engineering, supervision of construction, legal expense, taxes and interest during construction and administrative and general expense, and a contingent item, if necessary.

When required by the Commission or the Secretary, furnish an estimate of the annual cost including the following:

Rate of return or interest;
Local, State and Federal taxes;
Depreciation;
Insurance; and
Operation, maintenance and general or administrative expense.

When required by the Commission or the Secretary, furnish information as to the

method used in evaluating the power output from the project or the cost of obtaining an equivalent amount of power from an alternate source expressed in terms of dollars per kilowatt year of capacity and mills per kilowatt hour of average annual energy.

§ 4.42 Specifications for drawings. All maps and other drawings required in connection with licenses and preliminary permits shall conform to the following specifications:

(a) They shall be original black-ink drawings on tracing linen, cut to uniform size not smaller than 24 by 36 inches and not larger than 28 by 40 inches, the latter size being preferred, and shall be so drawn and lettered as to be legible when reduced by photography to 10½ inches in small dimension. Lithographed official maps issued by Federal or State agencies may be used to furnish supplemental data when desired and when so used, one copy for permanent record shall be mounted on linen. Process tracings will be accepted if legible and of durable quality. If not of durable quality, process tracings will be returned, and ink tracings required.

(b) Each drawing shall have a clear border of one-half inch on three sides and 2½ inches on one of the shorter sides, which shall be the left-hand border.

(c) Each drawing shall have a numerical scale and a graphical scale, the latter not less than 6 inches in length.

(d) Each map shall have true and magnetic meridians indicated thereon.

(e) There shall be provided a space 5 inches high by 7 inches wide in the lower right corner of each drawing, the upper half of which shall bear the title, scale, etc., and the lower half shall be left clear.

(f) The maps shall show State, county and town lines, and boundaries of reservations of the United States.

(g) If the project affects lands covered by the public-land survey the maps shall show the location of all lines of such survey crossing the project area, and all official subdivisions of sections including lots and irregular tracts, correctly designated as on the latest governing official plats of survey, copies of which can be obtained from the Bureau of Land Management, Washington, D. C., or examined in the local land office. If the project affects unsurveyed public lands or reservations, the protraction of townships and section lines shall be shown; such protractions whenever available to be those recognized by the agency of the United States having jurisdiction over the lands.

(h) The tracing of each drawing and a print therefrom for each copy of the application shall be filed with the Commission.

§ 4.75 Application for license for electric lines (11,000 volts or less) in national forests. [Delete this section.]

§ 4.81 Acceptance for filing or rejection of applications. When an application which conforms to the requirements of § 1.15 of this chapter is received, it will be given a filing number, receipt thereof and filing number given thereto will be furnished applicant, and notices will be given in accordance with the

requirements of section 4 of the act (49 Stat. 830; 16 U. S. C. 797) and § 1.37 of this chapter. Notice will also be given to the appropriate office of the Department of the Interior as to the public lands affected, if any, so that withdrawals from entry may be recorded. An application may be acceptable for filing for processing prior to final Commission action thereon, provided it contains the information required under § 4.82 (a), (b), (c), (d), (e), (f), (g), and (k), together with Exhibits A, B, C, D, H, and I. An application which fails to meet these requirements will be rejected by the Secretary as provided by § 1.14 of this chapter. However, the applicant may be required to furnish the balance of the information required under this section and § 4.82 at such time as the Secretary directs and failure to furnish same will constitute grounds for rejection of the application by the Secretary as provided by § 1.14 of this chapter. In case any information, documents or exhibits required to be filed with an application are already on file with the Commission, in current form and substance, the same may be incorporated in the application by reference.

§ 4.82 Contents of application. Each application for preliminary permit shall be submitted as prescribed in § 131.10 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the application and all accompanying documents shall be submitted in sextuplet, with one additional copy for each interested State Commission. [Revision of opening paragraph.]

(g) A concise general description of the project and the proposed scheme of development including an estimate of the proposed installed capacity, and the average annual output.

(k) (Required exhibits.) There shall be filed with the application and as a part thereof the following exhibits, certified in conformity with § 131.4 of this chapter.

Exhibit A. If the applicant is a corporation: One copy of charter or certificate, and articles of incorporation, with all amendments thereto, duly certified by the secretary of state of the State where organized, or other proper authority, and the required additional uncertified copies; one copy of the by-laws, duly certified, and the required additional uncertified copies; and a certificate of organization as provided in § 131.3 of this chapter with the required additional copy for each interested State commission.

If the project is located in another State than that in which the corporation is organized, a certificate and the required additional copies thereof shall be submitted from the secretary of state or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality as defined in the Federal Power Act: One copy of its charter or other organization papers, duly certified by the secretary of state of the

State in which it is located, or other proper authority, and the required additional uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by each applicant that he is a citizen of the United States and the required additional copies thereof. (See § 131.10 of this chapter.)

If the applicant is an association: The association shall submit a verified copy of its articles of association, and the required additional copies thereof. If there are no articles of association, that fact shall be stated over the signature of each member of the association and an original and the required additional copies shall be submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, together with the required additional copies. (See § 131.10 of this chapter.)

Exhibit B. A copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant authorizing the filing of application, one copy properly attested, and the required additional copies.

Exhibit H. A general map showing the nature of the proposed project, its principal features and their location, and the location of the project as a whole with reference to some well-known town or stream. On this map shall be placed a line indicating the approximate project boundary of the area to be occupied by the principal project works, such as, dams, reservoirs, forebays, waterways, and powerhouses, but excluding transmission lines, and if necessary in order to determine location of the project on the ground, there shall be shown on the map the approximate distances and bearings of points on the project boundary from natural objects or permanent monuments that can be readily found or recognized from descriptions thereof noted on the map, such points to be located at sufficiently frequent intervals to serve such purposes. If the project is on land covered by public land survey, such distances and bearings shall be shown from the nearest existing corners of such survey. (See specifications for drawings, § 4.42.)

Exhibit I. This exhibit shall be submitted only if public lands or reservations are affected and shall be a map of the proposed project showing principal project works in a manner similar to the preceding exhibit H, except that such map shall show and shall be on a scale to present effectively the project boundary which shall be the line enclosing all quarter-quarter sections, lots, and other smallest legal subdivisions of public-land survey which may be occupied or used in whole or in part by the project. It shall also show the status of lands, indicating separately lands patented, lands entered or otherwise embraced in any unperfected claim under the public-land laws, unreserved public lands, and lands of each and every reservation affected. (See specifications for drawings, § 4.42.) If desired a single map may be submitted for exhibits H and I, provided it shows all the information required for both.)

§ 4.83 Hearing on application. A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest. The hearing shall be limited to the issues specified in the order fixing the hearing.

§ 4.84 Amendments. Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for an amendment embraces sites or areas not covered by the

original permit, notice of such application will be given in the manner required for the original application. Unless otherwise specified, an original and five conformed copies of the application and all accompanying documents shall be submitted, with one additional copy for each interested State commission.

§ 4.85 Issuance and acknowledgment of acceptance. When the Commission shall have issued a preliminary permit or an amendment thereof, the same shall be forwarded to the applicant for acknowledgment of acceptance. Unless application for rehearing is filed, or unless the order is stayed by the Commission, the order issuing the permit shall become final thirty (30) days from date of issuance and the acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance of the permit or the amendment. [New section]

PART 5—APPLICATION FOR AMENDMENT OF LICENSE

§ 5.4 Issuance and acknowledgment of acceptance. Section 4.33 is applicable.

PART 6—SURRENDER OR TERMINATION OF LICENSE

§ 6.2 Surrender of license. Licenses may be surrendered only upon the fulfillment by the licensee of such obligations under the license as the Commission may prescribe, and, if the project works authorized under the license have been constructed in whole or in part, upon such conditions with respect to the disposition of such works as may be determined by the Commission. Where project works have been constructed on lands of the United States the licensee will be required to restore the lands to a condition satisfactory to the Department having supervision over such lands and annual charges will continue until such restoration has been satisfactorily completed.

§ 6.5 Annual charges. Annual charges arising under a license surrendered or terminated shall continue until the effective date set forth in the Commission's order with respect to such surrender or termination.

PART 9—TRANSFER OF LICENSE OR LEASE OF PROJECT PROPERTY

§ 9.3 Transfer. (a) Approval by the Commission of transfer of a license is contingent upon the transfer of title to the properties under license, delivery of all license instruments, and a showing that such transfer is in the public interest. The transferee shall be subject to all the conditions of the license and to all the provisions and conditions of the act, as though such transferee were the original licensee and shall be responsible for the payment of annual charges which accrue prior to the date of transfer.

(b) When the Commission shall have approved the transfer of the license, its

order of approval shall be forwarded to the transferee for acknowledgment of acceptance. Unless application for rehearing is filed, or unless the order is stayed by the Commission, the order shall become final thirty (30) days from date of issuance and the acknowledgment of acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance accompanied by a certified copy of the deed of conveyance or other instrument evidencing transfer of the property under license, together with evidence of the recording thereof.

PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

§ 16.1 Contents. Each application for a new or annual license for a project already under license which is about to expire shall be submitted at least 3 months prior to the expiration of license and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, an original and five conformed copies of the application, duly subscribed and verified under oath, and all accompanying documents, together with one additional conformed copy for each interested State commission, shall be submitted.

(a) The exact name of the applicant.
(b) The license number of the project.

(c) The date on which the license expires.

(d) If licensee is a corporation, list of the officers and directors.

(e) The name, title, and post-office address of the person to whom correspondence in regard to the application shall be addressed.

§ 16.2 Required exhibits. There shall be filed with the application, and as a part thereof revised exhibits to reflect changes in project as described in the license.

PART 24—DECLARATION OF INTENTION

§ 24.1 Filing. An original and five conformed copies of each declaration of intention under the provisions of section 23 (b) of the act shall be filed. The declaration shall give the name and post-office address of the person to whom correspondence in regard to it shall be addressed, and shall be accompanied by:

(a) A brief description of the proposed project and its purposes, including such data as maximum height of the dams, a storage capacity curve of the reservoir or reservoirs showing the maximum, average, and minimum operating pool levels, the initial and ultimate installed capacity of the project, the rated horsepower and head on the turbines, and a curve of turbine discharge versus output at average and minimum operating heads.

(b) (1) A general map (one tracing and three prints) of any convenient size and scale, showing the stream or streams

to be utilized and the approximate location and the general plan of the project.

(2) Also a detailed map of the proposed project area showing all Federal lands, and lands owned by States, if any, occupied by the project.

(3) A profile of the river within the vicinity of the project showing the location of the proposed project and any existing improvements in the river.

(4) A duration curve and hydrograph for the natural and proposed regulated flows at the dam site. Furnish references to the published stream flow records used and submit copies of any unpublished records used in preparation of these curves.

(c) (1) A definite statement of the proposed method of utilizing storage or pondage seasonally, weekly and daily, during periods of low and normal flows after the plant is in operation and the system load has grown to the extent that the capacity of the plant is required to meet the load. For example, furnish:

(i) Hydrographs covering a 10-day low water period showing the natural flow of the stream and the effect thereon caused by operations of the proposed power plant;

(ii) Similar hydrographs covering a 10-day period during which the discharge of the stream approximates average recorded yearly flow; and

(iii) Similar hydrographs covering a low water year using average monthly flows.

(2) A system load curve, both daily and monthly, and the position on the load curve that the proposed project would have occupied had it been in operation.

(3) A proposed annual rule of operation for the storage reservoir or reservoirs.

PART 25—APPLICATION FOR VACATION OF WITHDRAWAL AND FOR DETERMINATION PERMITTING RESTORATION TO ENTRY

§ 25.1 Contents of application. An application for vacation of a reservation effected by the filing of an application for preliminary permit or license, or for a determination permitting restoration to entry under the provisions of section 24 of the act, of such lands, or lands reserved or classified as power sites, may be filed directly with the Commission at its offices in Washington, D. C., at any of its regional or field representatives' offices, or at local land offices, for forwarding to the Commission. Such application shall contain the following data: (a) Full name of applicant; (b) post-office address; (c) description of land by legal subdivisions, including section, township, range, meridian, county, State, and river basin (both main and tributary) in which the land is located; (d) public land act under which entry is intended to be made if land is restored to entry; (e) the use to which it is proposed to put the land, and a statement as to its suitability for the intended use.

[F. R. Doc. 53-9662; Filed, Nov. 16, 1953; 8:49 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

CANCER SUPPORT PROGRAM FOR FISCAL
YEAR 1954

Pursuant to section 3 of the Administrative Procedure Act, the following notice is published:

Subject to budgetary limitations and the availability of appropriations, the Atomic Energy Commission has authorized the delivery of radioisotopes by its distributors during fiscal year 1954 (ending June 30, 1954), for approved cancer programs at 20 percent of the price listed for each radioisotope in current catalogs issued by the Commission or its distributors.

Further information regarding the cancer support program may be obtained by writing to the U. S. Atomic Energy Commission, P. O. Box E, Oak Ridge, Tennessee, Attention: Isotopes Division.

CREDIT FOR SHIPMENTS BY SUPPLIERS

A supplier (any person or firm other than an AEC distributor, who furnishes radioisotopes on authorization of the Commission) may request a credit for authorized price reductions allowed by such supplier on radioisotopes obtained from the Commission or an AEC distributor and delivered by such supplier to persons holding valid authorizations issued by the Commission for cancer research, diagnosis, and/or therapy permitting deliveries at such reduced prices.

1. *Procedure for requesting credit.* A supplier desiring credit for deliveries at reduced prices, as permitted by AEC authorizations for cancer research, diagnosis, and/or therapy, shall file a "Radioisotope Credit Request," Form AEC-353, in duplicate, with the Isotopes Division, giving the information called for on the form. The "Radioisotope Credit Request" for such deliveries made by suppliers in fiscal year 1954 shall be filed with the Isotopes Division no later than July 31, 1954. Supporting documents, such as shipping memoranda or shipping tabulations, shall be attached to the "Radioisotope Credit Request." Such documents or papers shall include the following pertinent information as to each such delivery:

a. Name of customer who received radioisotopes at authorized price reductions;

b. Customer's authorization number;

c. Type and quantity of radioisotopes delivered;

d. Date of such delivery;

e. Evidence of price reduction to said customer for approved cancer research, diagnosis, and/or therapy.

2. *Limitations.* If such "Radioisotope Credit Request" is approved by the AEC, the credit thus approved shall be subject to the following limitations:

a. The credit issued shall not be valid for a cash rebate;

b. The credit issued shall be applied only as a credit in trade toward purchase of radioisotopes from the AEC or an AEC distributor;

c. The credit issued shall be valid until September 30, 1954, at which time any unused credit, or unused portion thereof, shall become invalid and ineffective for any purpose.

Dated at Washington, D. C., this 3d day of November 1953.

WALTER J. WILLIAMS,
Deputy General Manager.

[F. R. Doc. 53-9643; Filed, Nov. 16, 1953;
8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

NOVEMBER 10, 1953.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles land district, embracing approximately 40 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION
No. 391

For lease and sale for homestead purposes only:

T. 13 S., R. 2 E., S. B. M., Sec. 8, NW¼NW¼.

The land is located in San Diego County, California, in the foothills of the Laguna Mountains about 3½ miles easterly from the Town of Ramona. The topography is rolling to hilly and the native vegetation is a chaparral type. An intermittent stream crosses the land. Warm, dry summer and mild winter temperatures are typical of this area.

2. As to applications regularly filed prior to 9:30 a. m., October 28, 1953, which describe tracts in accordance with the provisions contained herein, this order shall be effective immediately.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order

shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres with approximate dimensions of 660 feet east and west and 330 feet north and south, each tract forming an aliquot part of the official survey of the section.

6. Preference right leases referred to in paragraph 2 will be issued only if the tract applied for conforms to or is amended to conform to the area, dimensions and orientation specified in paragraph 5.

7. Leases will be issued for a period of three years at an annual rental of \$5.00 payable for the entire lease period in advance of issuance of the lease. Leases will contain an option to purchase clause at the appraised value of \$100.00 per tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they

may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 53-9670; Filed, Nov. 16, 1953;
8:50 a. m.]

Bureau of Reclamation

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

FEBRUARY 15, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of December 22, 1903, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 4 W.,
Sec. 25, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The above area aggregates 40 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The soil is a sandy loam covered with large rock boulders. The lands are not suitable for cultivation. It is unlikely that they will be classified for any disposition other than by public sale, selection, or exchange, but any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not become effective to change the status of the described lands until 10:00 a. m. on the 35th day after date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which, and the conditions under which, veterans and others may file applications for these lands may be obtained on request from the Manager of the Land and Survey Office, Bureau of Land Management, Boise, Idaho.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

NOVEMBER 10, 1953.

[F. R. Doc. 53-9661; Filed, Nov. 16, 1953;
8:48 a. m.]

COLORADO RIVER STORAGE PROJECT, NEVADA FIRST FORM RECLAMATION WITHDRAWAL

JUNE 3, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following described lands from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902, (32 Stat. 388).

MOUNT DIABLO MERIDIAN, NEVADA

T. 32 S., R. 66 E., Sec. 1, Lots 1 and 4.

The above area aggregates 87.86 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

EDWARD WOOLEY,
Director,
Bureau of Land Management.

OCTOBER 28, 1953.

Notice for Filing Objections to Order
Withdrawing Public Lands for Davis
Dam Project, Nevada

JUNE 3, 1953.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Nevada, for use in connection with the Davis Dam Project, Nevada, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified, or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Assistant Commissioner.

[F. R. Doc. 53-9644; Filed, Nov. 16, 1953;
8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

FAIR AND REASONABLE WAGE RATES FOR
PERSONS EMPLOYED IN PRODUCTION,
CULTIVATION OR HARVESTING OF SUGAR
BEETS IN CERTAIN AREAS

NOTICE OF HEARINGS AND DESIGNATION OF
PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup.

1131), notice is hereby given that public hearings will be held as follows:

At Detroit, Michigan, November 30, 1953,
10:00 a. m., Court Room 859, Federal Building;

At St. Paul, Minnesota, December 2, 1953,
10:00 a. m., Ryan Hotel, Sixth and Robert Street;

At Billings, Montana, December 4, 1953,
10:00 a. m., Roosevelt School, Fourth Avenue and Twenty-third Street;

At Salt Lake City, Utah, December 7, 1953,
10:00 a. m., Room 230, Post Office Building;

At Greeley, Colorado, December 9, 1953,
10:00 a. m., V. F. W. Hall, Seventh Avenue and Twenty-fifth Street.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in regions other than the State of California, Southwestern Arizona, Southern Oregon, and Western Nevada, for the 1954 crop on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1954 crop of sugar beets in regions other than those noted above to be paid under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to all points relative to the subject matters of the hearings.

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 10th day of November 1953.

[SEAL] LAWRENCE MYERS,
Director,
Sugar Branch.

[F. R. Doc. 53-9681; Filed, Nov. 16, 1953;
8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6382]

ALLEGHENY AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Allegheny Airlines, Inc., to serve Clearfield-DuBois-Philipsburg, Pa., through the Philipsburg Airport.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held

on December 4, 1953, at 10:00 a. m., e. s. t., in the Conference Room, Third Floor, Pennsylvania Electric Company Building, Twelfth Street and Eleventh Avenue, Altoona, Pennsylvania, before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., November 12, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-9675; Filed, Nov. 16, 1953;
8:51 a. m.]

[Docket No. 6050 et al.]

BRANIFF AIRWAYS, INC.; CERTIFICATE
RENEWAL, ROUTE NO. 106

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that hearing in the above-entitled proceeding, heretofore assigned to be held on November 16, 1953, has been postponed and will be held on December 15, 1953 at 10:00 a. m., e. s. t., in Room 1201, Temporary Building No. 4, Seventeenth Street south of Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., November 12, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-9676; Filed, Nov. 16, 1953;
8:52 a. m.]

[Docket No. 6113]

ACTA AND IMATA AGREEMENTS CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on December 8, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., November 12, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-9677; Filed, Nov. 16, 1953;
8:52 a. m.]

[Docket No. 6265]

AIR TRAFFIC CONFERENCE AGENCY
RESOLUTION CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on December 7, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., November 12, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-9678; Filed, Nov. 16, 1953;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2287]

HOME GAS CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1953.

Take notice that on October 21, 1953, Home Gas Company (Applicant), a New York corporation, address, Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 24.3 miles of 12-inch natural-gas transmission pipeline between the Town of Maine, Broome County, New York and a point in the Town of Tioga, Tioga County, New York; and approximately 25.4 miles of 12-inch pipeline between Deposit, Delaware County, New York and Port Dickinson, Broome County, New York, said sections of 12-inch pipeline to parallel Applicant's existing multiple 6-inch pipelines between Quackenbush Hill and Port Jervis in New York.

The proposed facilities constitute sections which will complete a continuous 12-inch pipeline between Quackenbush Hill and Port Jervis, and after the completion and activation of said facilities Applicant plans to retire its existing system of multiple 6-inch lines from Quackenbush Hill to its Huguenot Station near Port Jervis. Applicant proposes the construction and operation of the proposed facilities to enable it to handle additional volumes of natural gas which it anticipates will be available commencing with the winter of 1954-1955 from the pooled supply of the operating subsidiaries of The Columbia Gas System, Inc. Applicant states that said facilities are required to transport its available gas supply to existing markets. No new markets are proposed to be served by means of the proposed facilities.

The estimated total overall capital cost of the proposed facilities is \$2,160,500. Applicant proposes to finance such cost with funds to be provided by its parent, The Columbia Gas System, Inc., which will purchase Applicant's notes and common stock and make capital contributions to Applicant as funds are required to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November, 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9645; Filed, Nov. 16, 1953;
8:46 a. m.]

[Docket No. G-2288]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1953.

Take notice that on October 21, 1953, The Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Co-

lumbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural-gas transmission pipeline facilities in Pickaway, Madison, Erie, Huron, Seneca, Hancock, Hardin and Wood Counties, in Ohio, and for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of certain natural-gas transmission facilities in connection therewith.

Applicant proposes to construct and operate approximately 14.4 miles of 20-inch pipeline looping its existing facilities between its Crawford and its Mount Sterling Compressor Stations, to provide additional capacity for service to the Dayton, Cincinnati and Springfield, Ohio, area; approximately 6.6 miles of 16-inch pipeline looping its existing facilities near Kenton, Ohio, to provide additional capacity for service to the Lima and Kenton, Ohio areas; approximately 11.0 miles of 20-inch and 10.5 miles of 16-inch pipeline near New Baltimore, Ohio, to provide additional capacity for service to the Toledo, Findlay, and Fostoria, Ohio, areas, and approximately 13.3 miles of 16-inch pipeline to replace Applicant's existing Line "T" from North Baltimore to Bowling Green, Ohio, to provide added capacity for service in the same area, among others; and approximately 7.5 miles of 16-inch pipeline to replace portions of its Line "D" between Berlin Heights and Norwalk, Ohio, to provide additional capacity for service in the Milan, Monroeville, Belleville, Clyde, and Fremont, Ohio areas. In connection with the proposed construction, Applicant proposes to retire approximately 34.6 miles of existing 8 $\frac{1}{2}$ inch, 10 $\frac{3}{4}$ inch, and 12 $\frac{3}{4}$ inch pipeline which is not suitable for continued service.

Applicant proposes to construct and operate the proposed facilities to enable it to transport additional volumes of natural gas to be made available to Applicant in the fall of 1954, and thereafter, from the general pooled gas supplies of the operating subsidiaries of The Columbia Gas System, Inc. The proposed facilities are designed to maintain continuity of service to existing retail and wholesale markets of Applicant, and to provide capacity for adequate service during the winter of 1954-1955. No service to new markets is proposed to be rendered by means of the said facilities.

The estimated total overall capital cost of the proposed facilities is \$2,668,000. The proposed retirement of facilities is expected to cost \$104,400, and will result in a credit to fixed capital of \$246,600. The estimated salvage value of the facilities to be retired is \$139,400. Applicant proposes to finance the cost of constructing the proposed facilities with funds to be provided by its parent, The Columbia Gas System, Inc., through sale of Applicant's notes and common stock to The Columbia Gas System, Inc., as funds are required to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9646; Filed, Nov. 16, 1953;
8:46 a. m.]

[Docket No. G-2289]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1953.

Take notice that on October 21, 1953, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 3.65 miles of 12-inch and 23.3 miles of 12-inch loop pipeline; approximately 14.4 miles of 10-inch, 18.5 miles of 20-inch, 5.6 miles of 24-inch, and 10.22 miles of 26-inch replacement pipelines; a new 3300 horsepower compressor station to be located near Downingtown, Chester County, Pennsylvania, and the installation of 880 additional horsepower in Applicant's existing Eagle Compressor Station in Chester County, Pennsylvania, a total of eight separate jobs, and for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of certain facilities to be replaced by reason of some of the new construction.

Applicant proposes to construct and operate the proposed facilities to enable it to handle additional volumes of natural gas which it anticipates will be available to it beginning with the winter of 1954-1955 from the pooled gas supply of the operating subsidiaries of The Columbia Gas System, Inc. No new markets are proposed to be served by means of the proposed facilities. Applicant states that the market requirements of the areas to be served by the proposed facilities in every case exceed the maximum capabilities of the existing facilities to be replaced.

The estimated total overall capital cost of the proposed facilities is \$5,792,550. The cost of retiring existing facilities is estimated to be \$900, and the salvage value of the facilities to be replaced is estimated to be \$101,650. Applicant proposes to finance the cost of construction with funds to be provided by its parent, The Columbia Gas System, Inc., which will purchase Applicant's notes and common stock and make capital contributions to Applicant as funds are required to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November, 1953.

The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9648; Filed, Nov. 16, 1953;
8:47 a. m.]

[Docket No. G-2291]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1953.

Take notice that on October 23, 1953, Pacific Gas and Electric Company (Applicant), a California corporation having its principal place of business at 245 Market Street, San Francisco, California, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural pipelines facilities in the State of California hereinafter described.

Applicant proposes the construction and operation of: (1) A tap on its 20-inch Kettleman-Milpitas pipeline near Milpitas terminal together with regulator facilities to serve the Ford Motor Company Milpitas plant with natural gas on an interruptible basis; (2) a tap on its 22-inch pipeline near Livermore together with regulator facilities to serve the University of California Radiation Laboratory at Livermore with natural gas on an interruptible basis; and (3) a tap on its 22-inch pipeline near Warm Springs approximately 3 miles north of Milpitas together with regulator facilities to serve the Harbison-Walker Company brick manufacturing plant in Warm Springs with natural gas on an interruptible basis.

Applicant estimates the cost of facilities at \$26,014, and proposes to finance their construction with available corporate funds as part of its continuing construction program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9647; Filed, Nov. 16, 1953;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM
MEMORANDUM OPINION AND ORDER DENYING
PETITION FOR REHEARING AND RELATED
RELIEF

NOVEMBER 6, 1953.

We heretofore approved Part III of the First Amendment to the Second Plan ("Trustee's Plan") filed by Bar-

tholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, and issued our Findings and Opinion with respect thereto.¹ In brief, Part III of the Trustee's Plan, which essentially incorporates the terms of a compromise proposal agreed upon by representatives of holders of the preferred and Class A stocks of IHES, its only outstanding securities, provides for the compulsory exchange of the IHES preferred stock on the basis of 5½ common shares of Gatineau Power Company ("Gatineau"), a subsidiary of IHES, for each share of preferred stock, with certain cash adjustments.

Following the issuance of our Findings and Opinion, Cameron Biewend, a Class A stockholder who had not previously appeared in the proceedings, filed an application and petition requesting that our Order approving Part III of the Trustee's Plan be withdrawn; that we seek remand of the case from the United States District Court for the District of Massachusetts where the Trustee's Plan has been submitted for approval; that the hearings be reopened for the purpose of taking evidence in regard to the earning power of Gatineau and on the question of whether Part III of the Plan is fair and equitable; and that Biewend be granted leave to be heard and to participate in such hearings. We heard oral argument on the application and petition.

In support of his requests Biewend refers to an announcement made by Gatineau on October 22, 1953, that there had been an improvement in water conditions which would increase 1953 estimated earnings per common share from \$1.62 to \$1.66, that an upward revision had been effected in charges for power under long-term contracts with Canadian International Paper Company and a subsidiary of that company, that Gatineau had transferred certain property to that subsidiary, and that as a result Gatineau received cash payments of \$3,678,000.² The announcement further stated that adjustment of Gatineau's estimate of 1953 earnings to reflect the contract and related changes as of January 1, 1953, would add approximately 16 cents to annual earnings per common share.

Granted the power to approve a plan providing for the distribution of the securities of one issuer in exchange for the securities of another, there will always remain the problem of changing circumstances. We do not agree with Biewend that the recent occurrences to which he refers are of such a nature as to require modification of our conclusion that the Trustee's Plan falls within the range of fairness to all stockholders affected.

¹ International Hydro-Electric System, Holding Company Act Release Nos. 12150 (September 30, 1953) and 12193 (October 29, 1953).

² Gatineau applied the cash to the retirement of its 3 percent debentures due June 1, 1954, in the amount of \$2,500,000 and the purchase of \$500,000 short-term Canadian Government securities, and has added the balance to working capital.

In our Findings and Opinion we expressly considered the effect on estimated earnings of possible changes in water conditions.⁸ And although the other changes Biewend stresses did not crystallize until after the close of the record, we were cognizant of them and their impact on estimated earnings, and we specifically referred to them in our Findings and Opinion.⁹ Gatineau had for a long time claimed that its contract with the Paper Company called for additional charges, and all the persons (other than Biewend) who appeared at the argument on Biewend's applications herein have stated that they were fully apprised of the existence and character of extended negotiations looking to a settlement of these claims.¹⁰ It was stated in the record of these proceedings that the negotiations would have no adverse effect on Gatineau, but on the contrary it was indicated that they would be of benefit to that company. In this connection it may be noted that although Biewend has alleged that if certain stockholders had known the magnitude of the benefits to Gatineau from the revised contract they would not have joined in the compromise which the Trustee's Plan embodies, all the parties to the compromise appeared at oral argument and argued against Biewend's request and all continued in their support of the Trustee's Plan. No one joined Biewend in his request.

In our opinion Biewend overestimates the significance of the revised earnings estimate and capital changes. He assumes that, if the Trustee's Plan were not carried out, the benefits from increased earnings would redound to the exclusive advantage of the Class A stockholders, and disregards the fact that they would also enhance the position of the preferred stock of IHES, more than 60 percent of the income of which is derived from Gatineau. While the enhancement in the value of the IHES pre-

ferred stock would not be as large as that in the Gatineau stock itself, the difference in our opinion is not sufficient to require revision in the allocations proposed in the Trustee's Plan. As we pointed out in our Findings and Opinion, we have not attempted nor is it necessary to fix specific dollar values for the preferred stock or the Gatineau stock to be given in exchange. Our finding that the allocation proposed in the Trustee's Plan is fair and equitable was in effect a finding that it falls within a reasonable range of fairness, and we are of the opinion that the changes which have taken place are not of such material character as to take the allocation from within that range.¹¹

Accordingly, it is ordered, That the Application of Cameron Biewend for Leave to Adduce Additional Evidence, and Petition for Rehearing, and Application for Leave to be Heard on Rehearing be, and they hereby are, denied.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-9649; Filed, Nov. 16, 1953;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28631]

PHOSPHATE ROCK FROM FLORIDA TO
MISSOURI

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below. Commodities involved: Phosphate Rock, carloads.

From: Bartow, Fla., and points in Florida taking same rates.

To: Booth, Bowling Green, Laddonia, and Powersville, Mo.

Grounds for relief: Rail competition, circuitry, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company's tariff I. C. C. No. B-3232, supp. 91; Seaboard Air Line Railroad Company's tariff I. C. C. No. A-8153, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As pro-

⁸ While we referred in our Findings and Opinion to earnings of approximately \$9 that would be applicable to the Gatineau common shares to be exchanged for the preferred stock, we were not unmindful of the increased earnings stemming from the changes, and recognized that even if the estimated earnings were adjusted to reflect these changes, the allocation would not be rendered unfair.

vided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9620; Filed, Nov. 13, 1953;
8:52 a. m.]

[4th Sec. Application 28632]

PHOSPHATE ROCK FROM FLORIDA TO
LOWVILLE, N. Y., GROUP

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below. Commodities involved: Phosphate rock, carloads.

From: Bartow, Fla., and points in Florida taking same rates.

To: Lowville, N. Y., and points grouped therewith.

Grounds for relief: Rail competition, circuitry, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 91; Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9621; Filed, Nov. 13, 1953;
8:52 a. m.]

⁸ We stated (Holding Company Act Release No. 12193, at p. 14): "The record indicates that Gatineau's earnings are affected by water conditions, and Brittain [vice president and treasurer of Gatineau] * * * stated that if water conditions in 1953, which were good only until May, had been as favorable as those experienced in 1952, the 1953 estimate of earnings of \$1.62 per share of common stock would be increased to \$1.87. On the other hand, had poor water conditions prevailed throughout the year, the forecasted earnings would be \$1.32. In Brittain's opinion, per share earnings of \$1.62 are 'not very far from normal.'"

⁹ We stated (Holding Company Act Release No. 12193, note 27, at p. 15): "After the close of the record, a settlement was worked out in the power negotiations. Adjustment of Brittain's estimate of 1953 earnings to reflect the settlement as of January 1, 1953, and improved water conditions, would in Gatineau's opinion add approximately 20¢ to annual earnings per common share."

¹⁰ At the argument it was pointed out that the market price of Gatineau common shares has not increased following Gatineau's announcement of the changes referred to, and it was asserted that this evidenced a general knowledge and discounting of such changes prior to their occurrence.

[4th Sec. Application 28633]

PHOSPHATE ROCK FROM FLORIDA TO
GREENWOOD, MISS.

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Bartow, Fla., and points in Florida taking same rates.

To: Greenwood, Miss.

Grounds for relief: Rail competition, circuitry, and additional routes.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 91; Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9622; Filed, Nov. 13, 1953;
8:52 a. m.]

[4th Sec. Application 28638]

WHOLE CORN AND SORGHUM GRAINS FROM
KANSAS AND COLORADO TO COLORADO AND
WYOMING

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Whole corn and sorghum grains, carloads.

From: Points in Kansas and Colorado.

To: Points in Colorado and Wyoming.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: Missouri Pacific Railroad Company, I. C. C. No. A-10238, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9650; Filed, Nov. 16, 1953;
8:47 a. m.]

[4th Sec. Application 28639]

SODA ASH FROM OHIO, NEW YORK AND
MICHIGAN TO GEORGETOWN, S. C., SAVANNAH
AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Soda ash (other than modified soda ash), in carloads.

From: Points in Ohio, New York and Michigan.

To: Georgetown, S. C., Savannah and Port Wentworth, Ga.

Grounds for relief: Competition with rail carriers, competition with water carriers, and market competition.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4510, supp. 31; C. W. Boin, Agent, I. C. C. No. A-968, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9651; Filed, Nov. 16, 1953;
8:47 a. m.]

[4th Sec. Application 28640]

BRICK FROM SPRINGFIELD, MINN., TO FAIRMOUNT,
FARGO AND WAHPETON, N. DAK.

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago and North-western Railway Company for itself and on behalf of the Chicago, Milwaukee, St. Paul and Pacific Railroad.

Commodities involved: Brick and related articles, also drain tile, carloads.

From: Springfield, Minn.

To: Fairmount, Fargo and Wahpeton, N. Dak.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Chicago and North Western Railway Company, I. C. C. No. 11255, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9652; Filed, Nov. 16, 1953;
8:47 a. m.]

[4th Sec. Application 28641]

BRICK FROM ST. PAUL, MINNEAPOLIS AND
MINNESOTA TRANSFER, MINN. TO NORTH
AND SOUTH DAKOTA

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Brick and related articles, also drain tile, carloads.

From: St. Paul, Minneapolis, and Minnesota Transfer, Minn.

To: Points in North Dakota and South Dakota.

Grounds for relief: Rail competition, circuitry, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Chicago, Milwaukee, St. Paul and Pacific Railroad Company, I. C. C. No. B-7784, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9653; Filed, Nov. 16, 1953;
8:48 a. m.]

[4th Sec. Application 28642]

CHEESE FROM McMINNVILLE, TENN., TO
THE SOUTH

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cheese, in carloads.

From: McMinnville, Tenn.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1331, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9654; Filed, Nov. 16, 1953;
8:48 a. m.]

[4th Sec. Application 28643]

BREWERS RICE FROM BATON ROUGE AND
NEW ORLEANS, LA., AND MEMPHIS, TENN.,
TO WAVERLY AND NEWARK, N. J.

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 386 and Agent C. A. Spaninger's I. C. C. No. 1324, pursuant to fourth-section order No. 16101.

Commodities involved: Brewers rice and rice screenings, carloads.

From: Baton Rouge and New Orleans, La., and Memphis, Tenn.

To: Newark and Waverly, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9655; Filed, Nov. 16, 1953;
8:48 a. m.]